

Inaugural Address by Shri Om Mehta, Minister of State for Works and Housing and Parliamentary Affairs while inaugurating the Seminar on 'Urban Planning and Development Authorities' on March 1, 1974.

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Friends,

A month ago, I had the opportunity to inaugurate the Seminar on Slum Clearance and Improvement, organised by the Indian Institute of Public Administration. At that time, I drew attention of the participants to the growing urban problems in India and the consequential preventive and remedial measures to be taken to give a healthier way of life to the lowest sections of population, which are attracted to the urban areas for employment and other facilities. The Seminar was well attended and I am glad to see from the report on the Seminar that a wide variety of subjects was ~~covered~~ and important recommendations have been made. One of the important recommendations of that Seminar relates to the need for proper planning and development of urban areas in future as a preventive measure against haphazard growth and crowded settlements in major cities and towns. I am glad that the Institute of Public Administration has organised now this Seminar on "Urban Planning and Development Authorities." It is obvious that for proper urban planning and development ~~it is~~ vital to establish proper authorities for planning and implementation. I am, therefore, thankful to the Indian Institute of Public

Administration for organising this Seminar at an opportune moment and for giving me this opportunity to be with you this morning.

2. India's urban population has almost been doubling every 20 years. It increased from 33.5 million in 1931 to 109 million in 1971. Out of 2921 areas classified as 'urban', there are 142 cities with one lac people and above accounting for 52.4% of the total urban population. Many of the Districts in India do not have cities of this size. Even within the group, there is wide variation of size and degree of urbanisation. There are 8 metropolitan areas having more than 1 million population each. Thus, the problems of urban planning and development of these towns and cities are bound to vary in complexity and magnitude. It is evident that there could be no uniform model of authority for planning and developing these areas. It will be necessary to have a detailed analysis of the different kinds of organisations that could be considered for taking up this work.

3. Another important aspect in urban planning is to identify the growth centres on the basis of specific spatial planning to be prepared region-wise or State-wise in order to channelise the migration of population from rural areas into urban areas and to ensure that the pattern of human settlements as they emerge with economic development is healthy and strong. The growth of a few cities at the expense of rural areas or medium or smaller towns would have to be avoided, as

far as possible, to distribute equitably the benefits accruing out of economic development. This leads us on to the concept of proper regional planning as a prelude to urban planning, and necessitates the evolution of a long-range urbanisation perspective. I must say that this aspect is receiving better and closer attention in recent years and I am glad that some States have already enacted necessary legislations for the purpose of preparing regional plans with special emphasis on the growth of new towns. I have every hope that all the State Governments would adopt similar legislations ere-long and the base for a healthy settlement pattern evolved.

4. I touched upon the broader aspect in order to highlight the importance of planning at the macro level. The Town and Country Planning Organisations throughout the country have to prepare spatial plans in cooperation with the various disciplines involved in economic planning and lay down guide-lines and norms for the evolution of urban centres all over the country. I wonder whether this Seminar will discuss broadly these aspects and make recommendations on the steps to be taken by the State and Central Governments in this regard.

5. We are all aware of the importance of Master Plans for development of cities and towns. In fact, during the Third Five Year Plan period, the Central Government sponsored the preparation of Master Plans for various cities and towns. I am glad to say that

Master Plans for 278 towns and cities have been or are being prepared. Many State Governments are also pursuing with the scheme and are preparing Master Plans for other cities and towns. Thus, a base has been prepared for identifying the manner of physical planning that will take place in due course of time in various cities and towns. However, I must mention my concern that there are still some areas in the country where a legislative backing does not exist for preparing and supporting such plans. We are requesting the authorities concerned to bring out suitable legislations for this purpose and I do hope that very soon legislations would be enacted in all the States to support the preparation and implementation of Master Plans. You will agree with me that a discussion on the authorities to be set up for urban planning and development would be meaningless unless such planning itself can be supported by legislation. You will no doubt discuss the details concerning this aspect when considering the formation of authorities to be established.

6. Assuming that the prerequisites as mentioned above already exist, it would still require setting up of an authority for implementation of the Plan. As I mentioned earlier, there can be no single model of an organisation as the degree and nature of problems are bound to vary from smaller towns to metropolitan cities. Apart from the complexity of problems, the number of individual

vary from area to area. Again, Master Plans would not only cover the existing urban limits, but also the urbanisable limits covering rural and semi-urban areas. Obviously, municipalities, panchayats and other forms of local agencies would be involved in the implementation of Master Plans. In metropolitan areas, apart from the Corporations, several municipalities, panchayats and various functional organisations would be involved. The development plan of a metropolitan area would not only include land use plan, but also cover comprehensive aspects of the development of the area from the point of view of its future growth and many major agencies like electricity, water-supply and sewerage undertakings, transport undertakings, industrial undertakings, house - building institutions would be involved. The Coordination of activities of all these organisations is itself a major function that has to be looked after and a powerful authority has to be set up to discharge this function. Thus, it becomes clear that perhaps the planning and development authority for the urban areas may have to be conceived of at two levels - one for the metropolitan cities and the other for smaller and medium towns.

7. There cannot be a uniform model of an authority for all metropolitan cities. The local and historical background, the traditional functioning of local Self-Governments in the metropolitan area, the efficacy of different organisations discharging

sectoral functions like water-supply, electricity, drainage, housing etc. will naturally have to be taken into account in setting up a suitable authority. I believe the Maharashtra Government are conceiving of a model of Metropolitan Government for the Bombay City. As you might be aware, the West Bengal Government have already set up a Calcutta Metropolitan Development Authority and has recently given it the responsibility for directly executing several sectoral programmes. Financing of the various major developmental projects undertaken in Calcutta is also made through the C.M.D.A. There are still problems of coordination and the experience of this Development Authority might help us in finding the best means of tackling the immense problem of coordination. The setting up of the Delhi Development Authority in 1957 has helped a great deal in developing the urbanisable limits of Delhi in an orderly way. Although much commendable work has already been done by this Authority, much more remains to be done. One weakness that, perhaps, exists now is the inability of this Authority to develop as fast as it can the areas for colonisation as it has to depend greatly on the functioning of several other agencies which are dealing with sectoral projects. Thus, there is increasing awareness of the necessity for a coordinating and implementing agency for all developmental programmes in and around Delhi.

8. It will, therefore, appear that in conceiving of a model for a metropolitan development authority, the experience already gained should be taken into account and an effective machinery suggested which could be a happy and satisfactory compromise between an all-pervasive functioning authority, over-riding Local Self-Governments and sectoral authorities and the present existence of several agencies each executing programmes in its own way.

9. The Tamil Nadu Government have recently passed an amending legislation setting up a Madras Metropolitan Authority. Powers have been given to this Authority to approve of developmental plans within the metropolitan area. Powers for coordination, overseeing or supervising the programmes undertaken by different agencies may have to be specifically given. I believe, the Karnataka Government is also thinking of setting up a Development Authority for Bangalore. Various models of organisational forms are already available and I am sure that discussions in the Seminar would give us a clearer picture of the duties and functions that should be entrusted to such a Development Authority for a metropolitan area and the manner in which this could be achieved most effectively, keeping in view the local conditions.

10. On the other hand, the Planning and Development Authority for smaller and medium sized cities and towns could be simple in form and could, perhaps, be

more easily evolved on a uniform pattern for the entire country. Some States have thought of following the Delhi Development Authority as a model for this purpose. While this may be adequate if the objectives were only land use control and development, this might not be adequate if further sectoral developments are also to be undertaken by such authorities. The different forms now in existence are City Improvement Trusts, Town Improvement Trusts and City Development Authorities. There are also regulatory measures for controlling haphazard growth in urban areas. These may not be wholly adequate. The Tamil Nadu Town & Country Planning Act has also provided for setting up of new town development Authorities. It will be interesting for the participants of the Seminar to discuss the kind of Development Authority that should be set up for planning and developing new towns and or existing urban areas.

11. Before I close, I must draw your attention again to the proposals in the Draft Fifth Five Year Plan for urban development. As you might be aware, a provision of Rs.250 crores has been made in the Central Sector for implementation of the urban development projects of national importance. The details of the scheme are being worked out. This, of course, includes a sum of Rs.20 crores for the development of the National Capital Region around Delhi. The balance amount will be utilised for developing metropolitan cities of

national importance and the growth of industrial townships undertaken by the Central Government. It is, therefore, quite opportune that you would be discussing the type of planning and developmental authorities that should emerge to take care of an orderly growth of urban areas in the country.

12. I have touched upon a few important aspects and I am sure the Seminar will enable ideas to be exchanged on the subject and help in making useful recommendations for adoption by the Central and State Governments. I am sure all of you will profit by the exchange of views at this Seminar.

I wish the Seminar all success.

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SEMINAR
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"URBAN PLANNING AND DEVELOPMENT AUTHORITIES"

(March 1 - 2, 1974)

Group 1 - Metropolitan Authorities - Conference
Hall

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|--|-----------------------------|
| Thiru C.G. Rangabhashyam
(Chairman) | 15. Shri B.R. Tamta |
| Shri S.M.Y. Sastry
(Rapporteur) | 16. Shri P.P. Shrivastav |
| Thiru Rama Arangannal | 17. Shri Ram Lall |
| Shri K.C. Sivaramakrishna | 18. Shri Om prakash Jain |
| Thiru F.J. Vaz | 19. Prof. J.K. Sridhar Rao |
| Shri H.R. Bhugra | 20. Shri A.V. Krishnamurthy |
| Shri W.S. Mahadik | 21. Dy. planner - M.M.D.A. |
| Shri B.T. Somanna | 22. Shri P. prabhakar Rao |
| Shri V. H. Gumaste | 23. Shri P.C. Khanna |
| Shri Jagmohan | 24. Shri C.S. Gupte |
| Shri R. C. Jain | 25. Shri Satish Kumar |
| Thiru K.R. Ramaswamy | 26. Mr. Arthur Row |
| Prof. M.A. Muttalib | 27. Mr. K. J. Davey |
| Shri S. K. Pachhapurkar | 28. Prof. Deva Raj |

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"URBAN PLANNING AND DEVELOPMENT AUTHORITIES" - Room No-16
(March 1 & 2, 1974)

Group II- Planning and Development
Authorities & City Regions
and Medium Towns.

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|-----------------------------------|-----------------------------|
| 1. Dr.V.Z.Bawa (Chairman) | 14. Shri Ajeet Gupta |
| 2. Dr.M.Shattacharya (Rapporteur) | 15. Dy.Planner - M.M.D.A. |
| 3. Shri P.K.Chakraverty | 16. Shri Y.Ragheviadh |
| 4. Shri S.N.Sinha | 17. Sh.Moind.Akbar Ali Khan |
| 5. Shri B.Kambo | 18. Shri Mulkh Raj |
| 6. Shri V.M.Augustine | 19. Shri R.Gopalaswamy |
| 7. Shri K.Subramanyam | 20. Shri L.C.Gupta |
| 8. Shri K.Koplish | 21. Shri C.S.Chandrasekhara |
| 9. Shri H.K.Sharma | 22. Shri C.R.Boss |
| 10. Dr. R.B.Das | 23. Prof.G.B.L. Rao |
| 11. Shri M.M.Sawalkar | 24. Mr.Freston Andreu |
| 12. Shri K.Varghese | 25. Dr.H.B.Fisher |
| 13. Thiru K.S.Logaveiyagam | 26. Shri M.K.Balachandran |
| | 27. Shri S.I.Sinha |

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"Urban planning and development Authorities"

(March 1 & 2, 1974)

Issues for Discussion (Group - II)

1. Should 'planning' and 'development' be considered as two distinct functions? Alternatively, should they be thought of as integrally related to each other?
2. Characteristics and boundaries of city regions with particular reference to peripheral growth and its impact on planning and development jurisdictions.
3. Based on an analysis of the contemporary administrative scene what are the organizational choices open to us to solve the administrative problems of cities and towns in the broader regional perspectives.

What formal or informal mechanism could be devised to inter-link city and district physical and socio-economic planning.
4. The relative potentialities of :
 - (a) a two tier system
 - (b) separate district planning and development authorities and other local bodies
 - (c) Multi-agency structure.
5. Structure and composition of :
 - (a) Higher tier authorities in a two-tier system
 - (b) development and planning authorities under a separate system
 - (c) Scope and manner of democratic representation in such bodies.
6. What formal or informal mechanism could be devised to promote inter-organisational and inter-authority coordination at the district and State levels.
7. Will planning and development of medium and small towns necessitate any organizational changes in district and Zilla Parishad administration.
8. Identifying problems of implementation and effective functioning of planning in development authorities - legislation, resources, land acquisition etc.
9. Suggestions for studies and research.

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"Urban Planning and Development Authorities"

(March 1 & 2, 1974)

Issues for Discussion (Group - I)

1. Should 'planning' and 'development' be considered as two distinct functions? Alternatively, should they be thought of as integrally related to each other?
2. Characteristics and boundaries of metropolitan and city regions as probable planning and development jurisdictions.
3. Based on an analysis of the contemporary administrative scene in our metropolitan areas, what are the organizational choices open to us to solve the administrative problems of our metropolitan areas? What formal or informal mechanism could be devised to promote inter-organizational coordination at the metropolitan area level?
4. The relative potentialities of :
 - (a) Two tier system
 - (b) Separate development and municipal authorities
 - (c) Multi-agency structure.
5. Structure and composition of :
 - (a) Higher tier authorities in a two-tier system
 - (b) Development and planning authorities under a separate system
 - (c) Scope and manner of democratic representation in such bodies.
6. Identifying problems of implementation and effective functioning of planning and development authorities - legislation, resources, land acquisition etc.
7. Suggestions for studies and research.

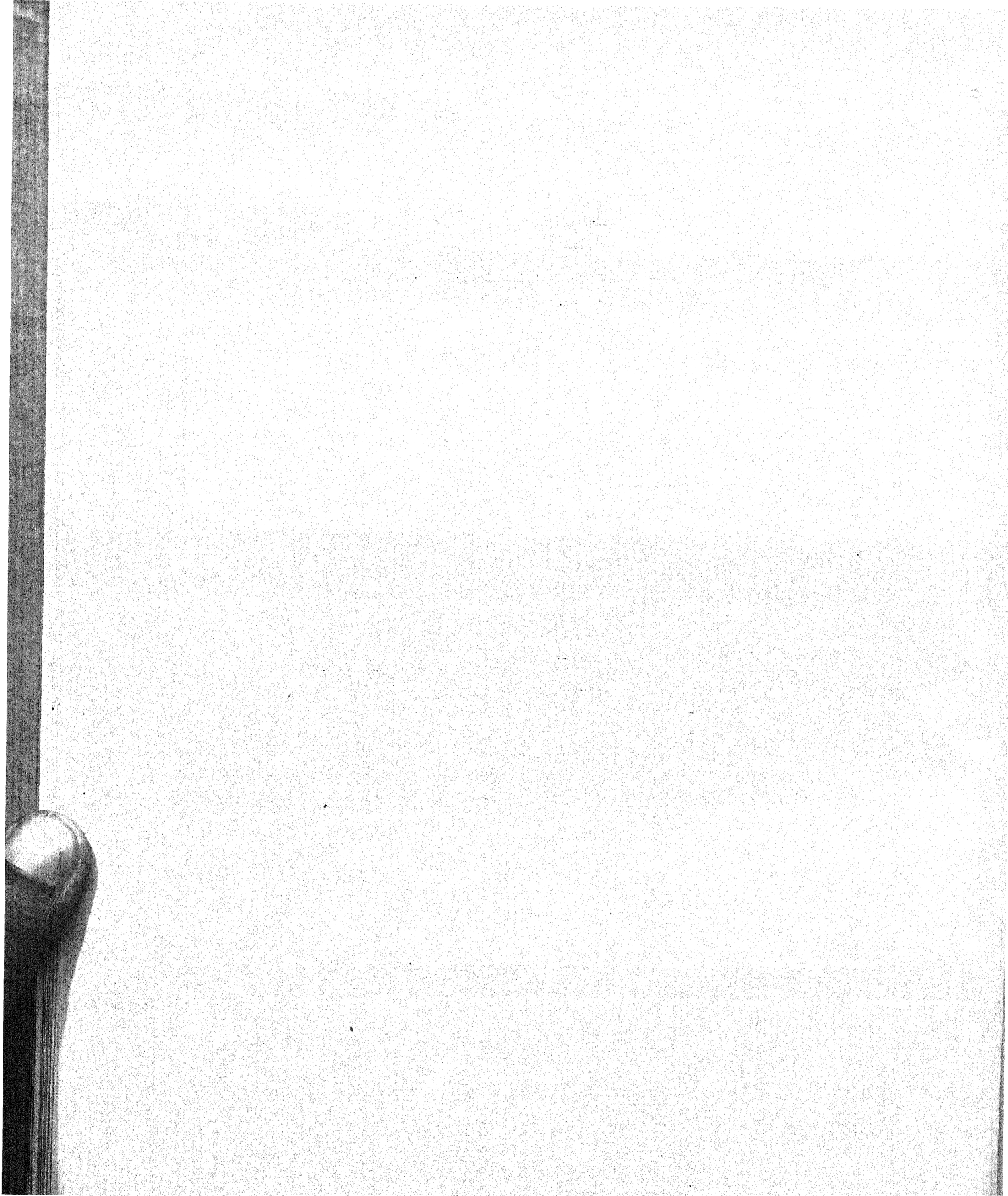
SEMINAR
ON
"URBAN PLANNING & DEVELOPMENT AUTHORITIES"
(March 1 - 2, 1974)

ADMINISTRATIVE FRAME-WORK FOR PLANNING &
DEVELOPMENT

An Extract from the Report of the
Working Group
on Urban Development - Planning and
Implementation, Planning Commission.

(This does not represent the views of
the Planning Commission)

Indian Institute of Public Administration
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Municipal Administration)
Indraprastha Estate,
NEW DELHI-110001.



Administrative framework for Planning and Development

The two tier system

4.1 A review of the functioning of the municipal authorities and of their legal powers would show that generally they are equipped to deal only with the problems of maintenance and management of cities and not with the functions of their expansion and development. It is possibly due to such gaps that parallel and special bodies like the Improvement Trusts, Development Boards or Development Authorities have been created from time to time to deal with the developmental functions or alternatively municipal authorities were charged with them under special legislations like Town Planning Acts as in case of Maharashtra, Gujarat and Tamilnadu. As already mentioned in para 4 of this report, particularly in relation to large urban centres, their problems and solutions extend well beyond the limits of local areas. In many cases the periphery of most of the urban areas become vulnerable to haphazard development or problem of services and development require action or coordination much above the local level. In view of these economic interactions and technical exigencies, it is necessary to radically review the present system

of town planning and local government administration.

4.2 For cities of 3 lakhs and above, the Working Group suggests a two tier system as outlined below:

- (i) An upper level organisation to be called Planning and Development Authority to cover an appropriately constituted area consisting of the municipal area and the adjoining urbanisable areas and responsible for -
 - (a) formulation of a unified plan/plans; and
 - (b) formulation and execution of higher level development like (i) bulked acquisition and disposal of land, (ii) laying of main lines of water supply, sewerage, drainage, roads, electricity, transport and (iii) development of specific areas as may be selected by the authority;
- (ii) municipal authority or authorities for the whole or part of the planning area responsible for -
 - (a) the normal municipal functions such as day to day management and extension of personal services like conservancy health and education;

- (b) for the formulation and execution of lower level of development schemes; and
- (c) for the enforcement of regulatory aspects like land use and building control.

The pattern suggested is slightly different from the pattern operating in Delhi (and in some other places) is as much as that in respect of powers and functions for planning and development, the proposed authority (a) would not be of a parallel but of a higher status vis-a-vis municipal authorities (b) would be all inclusive of development functions within the planning areas unlike DDA where the responsibility for planning and provision of water supply and sewerage, power and transport vest with unfunctional statutory undertakings almost independent of DDA.

4.3 Where unfunctional authorities exist and where it may not be considered feasible or expedient to merge them into the suggested authority, it would however be necessary to ensure that their programmes and functions are made subject to some control and coordination at the level of the proposed higher level authority through system of financial controls and assistance e.g. as obtaining in Calcutta through the CMDA

over several such authorities. (It may, however, be mentioned that CMDA is essentially a financing and coordinating body and not a planning and development authority).

Composition of the authorities

4.4 As regards the composition of such planning and development authorities, it will necessarily have to be representative of the various interests within the planning area including representations from the Zila Parishads because of the intimate relation of large urban centres with their Districts as a whole. A whole time officer of sufficient seniority and experience should be appointed as a Chief Executive Officer. In the case of middling towns, say, between 3 to 5 lakhs, this officer could ex-officio be the Chairman of the authority but in larger cities where higher level coordination would be necessary - on the analogy of D.D.A. where the Lt. Governor is the Chairman- the Divisional Commissioner could be the part time Chairman of the authority and a senior officer made the Member Secretary and ex-officio Chief Executive Officer. Technical officers like Town Planners concerned should be also members of such authorities.

Their staffing

4.5 In the matter of staffing of the proposed development authority, it will be rather optimistic and perhaps also uneconomical to presume that they could be immediately made self-contained in the matter of administrative and technical staff. As such they would need the support of State Governments departments and other well equipped organisations to execute and administer their schemes on agency basis. State Government will, therefore, need to take special care to foster these authorities.

Their sources of finances

4.6 As regards the sources of finances for these authorities, they should mostly be of direct nature than through taxation. These may be as below:

- (i) Initial seed capital, either in the form of long term loan or a grant, from the State Government;
- (ii) Share of allocation as available from the State and Central Plans, in the form of loans and subsidies for specific programmes/projects under different section or from the Integrated Urban

Development Sector

- (iii) A specific percentage, as annual contribution, from the improved resources of the constituent municipal authorities;
- (iv) Surplus receipt from sale of land;
- (v) Special taxes on land as referred to later on;
- (vii) Market borrowings and other institutional sources like LIC and HUDCO; and
- (viii) Charges recovered for services rendered, like sale of water or water rates.

Increased public ownership of land - a pre-requisite

4.7 In this connection, a reference may be made to the vital role of a policy and programme aimed at bringing more and more of urban land under public ownership which, with the increasing pressure of urbanisation, is one of the largest resource for development and which has so far, by and large, remained untapped because of local authorities and Improvement Trusts having not been fully geared to the task of development. Besides, public ownership of urban land combined with the allotment on lease-hold system is one of the most effective instrument -

- (a) to ensure planned development;

- (b) to act as a buffer in stabilising urban land prices;
- (c) to control use of land. The owner, tenant relationship with powers to resume land in case of misuse has proved much more effective than statutory powers for penalisation; and
- (d) in mopping up the gradual increase in land values through a periodic review of ground rents.

Simplification of procedures for Land Acquisition

4.8 For the effective function of the Development Authority, it is also important to emphasize the need to simplify the existing complicated dilatory procedure for acquisition of land to lay down principles of compensation which ensure acquisition at 'socially just' prices. The latter has been a much controversial issue but it should be now possible to overcome this difficulty through the 25th Amendment of the Constitution. Under this Amendment, Article 31(s) (for the second time) has been amended as under:

"(2) No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which

provides for acquisition or requisitioning of the property for an amount which may be fixed by such law or which may be determined in accordance with such principles and given in such manner as may be specified in such law; and no such law shall be called in question in any court on the ground that the amount so fixed or determined is not adequate or that the whole or any part of such amount is to be given otherwise than in cash:

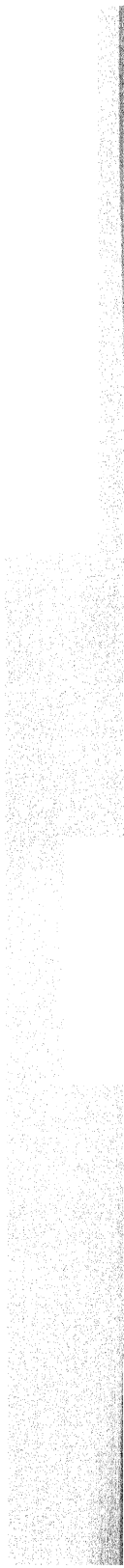
Provided that in making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause (1) of article 30, the State shall ensure that the amount fixed by or determined under such law for the acquisition of such property in such as would not restrict or abrogate the right guaranteed under that clause."

And a new Article viz. Article 31(C) has been inserted as below:

"31C. Notwithstanding anything contained in article 13, no law giving effect to the policy of the State towards securing the principles specified in clause (b) or clause (c) of article 39 shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31; and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy:

Provided that where such law is made by the Legislature of a State, the provisions of this article shall not apply thereto unless such law, having been reserved for the consideration of the President, has received his assent."

Therefore the desired objectives could be achieved through special legislations or by making special provisions in the existing Acts for acquisition of land and property for purposes of urban development and reinforcing these provisions by a declaration to the effect that they are meant to give effect to the policy of the State towards securing the principles specified in clauses (b) and (c) of Article 39 of the Constitution.



SEMINAR
ON
URBAN PLANNING AND DEVELOPMENT AUTHORITIES
(March 1 - 2, 1974)

City and Industrial Development Corporation
of Maharashtra Limited (CIDCO)

Indian Institute of Public Administration
(Centre for Training & Research in
Municipal Administration)
Indraprastha Estate,
NEW DELHI-110001.

CITY AND INDUSTRIAL DEVELOPMENT CORPORATION OF MAHARASHTRA
LIMITED (CIDCO)

1. Date of constitution 17 March 1970
2. Jurisdiction
(Physical area
in mileage)

The jurisdiction of the City and Industrial Development Corporation of Maharashtra Limited (CIDCO) extends over the entire State of Maharashtra. The Corporation, however, has taken up for development, for the present, two projects viz., New Bombay and New Aurangabad. The extent of these projects in physical terms is as follows:-

 - (i) New Bombay project - About 135 sq. miles
 - (ii) New Aurangabad project - About 4.7 sq. miles (1262 hectares)
3. Population, 1971
(within the area of operation)
 - (i) New Bombay - About 1,17,000
 - (ii) New A'bad - In the project area itself, negligible, but the adjacent town of Aurangabad, has a population of about 1.5 lac
- 3-A. Expected population by 1991.
 - (i) New Bombay - 20,00,000
 - (ii) New Aurangabad - 1,00,000
4. Objectives

The main objects of the Company are set out in the Memorandum of Association. Though these cover

a very wide range of subjects, principally.
CIDCO is concerned with urban development.

5. Organisation

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Personnel

CIDCO is a subsidiary of the State-Industrial & Investment Corpn. of Mah.(SICOM) a public sector Co. of the Mah. Govt. The affairs of the Corporation are governed by a Board of Directors shown in the Annexure I.

The day-to-day work is attended to by two Managing Directors. They are assisted by several Heads of Sections and Task Forces. The Task-Forces are, essentially, multi-disciplinary groups with personnel drawn from various sections and each assigned a specific task with clearly defined terms of reference.

Assisting CIDCO in the planning of the new city is a "Planning - Team" consisting of 8 members.

The total number of employees at the end of October, 1973 was 787 as shown below:-

@ Level	<u>No. of employees</u>
1. Senior Management	10
2. Middle Management	71
3. Supervisory	122
4. Operative	584

Total...	787

The organisation comprises the Head Office at Nariman Point in South Bombay and field offices at Thana, Panvel, Belapur, Turbhe, Vashi, Uran (the last four in New Bombay) and Aurangabad.

@ Explanatory Note:

1. Senior Management:- includes the two Managing Directors, the Director of Planning & Works, the Chief Administrative Officer, the Chief Accounts & Finance Officer, the Company Secretary & Law Officer, the Project Manager, the Project Engineer, the Chief Public Relations Officer and the Chief of Social Services.
2. Middle Management:- include all officers of and above the rank of Development Officers (Pay-Scale Rs. 750-1300), but not included in 1 above.
3. Supervisory:- includes all office drawing pay in the grades of Rs. 500-750 (Asstt. Dev. Officer) and Rs. 300-560 (Field Officer)
4. Operative:- includes all other subordinate staff.

Item	Information.
6. Functions (as statutorily prescribed)	<p>(i) CIDCO is incorporated as a subsidiary company of the State-Industrial & Investment Corporation of Maharashtra Limited under Section 4(1) of the Companies Act, 1956. Its statutory function are of 2 types:</p> <p>(i) In New Bombay it has been declared as a New Town Development-Authority under Section 113(1) of the Maharashtra Regional and Town Planning Act, 1966.</p> <p>(ii) In New Aurangabad on the other hand it works as a special Planning Authority under Sec. 40 of the M.R.T.P. Act, 1966 for the development of specified "notified" areas.</p>

Explanatory Note:

A New Town can be taken up only at a site for such new towns recommended in the Regional Plan while a Special Planning Authority can be appointed for any area which is in danger of being developed in a haphazard or promiscuous manner.

Govt. is also considering the question of appointing CIDCO as a Special Planning Authority for areas adjoining a few other cities.

7. Activities (Currently undertaken) :

The following are some of the important activities currently undertaken by CIDCO in the project areas:-

New Bombay

(1) Preparation of a Development Plan for New Bombay :

Under the Maharashtra Regional and Town Planning Act 1966, CIDCO as the planning authority has to prepare a development plan for New Bombay. A draft development plan accordingly been prepared and published on the 11th October 1973, inviting public suggestions and objections thereto.

The Plan conceives a broad land use pattern for a city of 2 million which is in the form of nodes of concentrated development strung along mass rapid transit axes. Each node will be of a size varying from about 50,000 to 2,00,000 population. Development of each node will be undertaken as and when the situation is ripe for such a development and detailed plans will be prepared for these action areas.

Apart from the broad land use and transport network, the plan sets out certain key policies for the development of the new city.
These are :

- (a) Emphasis on mass transport in preference to private transport; with reserved lanes for buses;
- (b) Cross-subsidy in housing for houses for lower categories.
- (c) "Sites and Services" housing;
- (d) A higher level of social facilities than in Bombay;
- (e) Restrictions on the growth of industries in accordance with the State-wide industrial location study undertaken by CIDCO and Government;
- (f) Rehabilitation of the local people.

(2) A Township at Vashi : The first developmental node, a township for a population of 50,000 to start with, but which will eventually cater for about 1,00,000, has been taken in hand. To accelerate the development of this township, CIDCO has itself undertaken the construction of building, specially those catering to the low income groups. Out of over 1600 tenements planned in the first phase, over 1200 are almost complete. Flats have already been put up for sale and about 300 flats have been booked so far. A few allottees have already moved in.

The cost of the physical infrastructure (excluding water supply and power) is estimated at about Rs. 8.00 crores.

Social infrastructure like schools, community centres, dispensaries, etc., will be provided by CIDCO supplemented by the assistance private agencies may be able to render.

Simultaneously, the Maharashtra Agricultural Development and Fertilizer Promotion Corporation (MAFPCO) has started the construction of an Agricultural Produce Market consisting of cold storages, processing plants and trading centres, at Turbhe, near this township to serve both the old city and the new city. CIDCO is providing the physical infrastructure for this area also.

(3) Bridge on Panvel Creek :

To link effectively the northern and southern parts of New Bombay and to provide a shorter route to the proposed new port at Nhava-Sheva, the construction of a bridge across the Panvel creek has been taken up at an estimated cost of about Rs. 1.6 crores. The construction work was held up for some time during the last year due to difficulties in land acquisition. This year, however, it could be re-started and is making progress. The bridge is expected to be completed by May 1975. After completion, the distance between Bombay and Nhava-Sheva will be reduced by about 16 kms.

(4) Central Business District (CBD) :

A Central Business District, forming the heart of the new city and mainly consisting of an office complex,

has been planned to be located on the banks of the Panvel creek. The entire CBD comprising about 1500 acres is estimated to have an employment potential of 2.5 lakh jobs and a residential population of about 6 lakhs. The development of the CBD has been spread over three nodes out of which the Belapur node covering about 450 acres has been taken up first. The preliminary development of about 15 plots in this node has already been started and the infrastructure therefor is expected to be provided by the end of the year. One of the plots has been allotted to the Government of Maharashtra for the construction of an office building. Work on a building estimated to cost about Rs. 93 lakhs has been started. Nearly 20 offices with about 1000 employees will shift to this site.

The Govt. of India has also asked its offices to examine the feasibility of shifting to the new city.

(5) Afforestation:-

It is proposed to take up the planting of trees on an extensive scale (about 1000 hectares) in the project area and for this purpose CIDCO has established 4 nurseries. During the 1973 monsoon an area of 500 acres was planted with trees.

(5) Rehabilitation

New Bombay will eventually displace nearly 25000 families when their lands will be acquired within the next few years. To provide alternative sources of employment and for the general welfare of these affected people, CIDCO has launched a comprehensive rehabilitation programme with the following objectives :

- (a) To provide one member of every family whose land is acquired with an opportunity of earning a livelihood at least as remunerative as his land afforded.
- (b) To provide those who cannot physically work with some secured income from investments out of the compensation payable to them.
- (c) To bring about the assimilation of the rural population in the new urban environment.

In pursuance of these objectives the following activities have been undertaken :

A : Training

CIDCO has launched a massive training programme under which young boys are sponsored for training courses at recognised technical training institutes like the ITIs and other institutions started by CIDCO.

So far over 700 project-affected boys have been trained in different technical skills. About 600 more are undergoing training at present in the ITIs and CIDCO's technical training centres.

B : Placement :

(i) Employment :- To secure jobs for the project-affected persons, CIDCO's officers maintain contacts with the employment exchanges at Thana & Panvel and also with the industries in and around the project area. About 1200 persons have so far been provided with long term employment.

(ii) Employment and Training Guarantee Scheme:- This scheme has been introduced on an experimental basis for a few villages in the southern part of the Thana-Belapur area where land is being acquired for CIDCO works. Two centres have been opened at Turbhe and Belapur to register local unskilled persons for employment as casual labour on CIDCO's afforestation and construction works. Over 200 unskilled persons are employed daily on various works. Training courses are also started under this scheme if at least 30 boys come forward to register themselves for any particular course.

(iii) Self-employment:- Persons for the project area are also encouraged to undertake self-employment and for this purpose necessary preliminary training (like auto-rickshaw driving, bidi manufacture, etc..) is given. Small loans up to Rs. 2,000 are also given for running petty trades like bakery, grocery etc.. The project affected persons are coming forward to take advantage of these schemes.

D: Social Welfare Schemes :

- (i) Education:- Liberal financial assistance is granted to panchayat samitis and educational institutions for the construction of or repairs to buildings for schools and colleges. A sum of Rs. 20 lakhs has been sanctioned for constructing a building for the Arts, Science and Commerce College at Panvel.
- (ii) Water Supply:- Schemes for providing piped water supply to the villages in the project area are prepared by CIDCO. Under this programme, the entire capital cost for laying pipe-lines is met by CIDCO, while the villagers pay only the water rate charged by the Maharashtra Industrial Development Corporation. 13 villages and 3 hamlets have so far been provided with piped water supply at a capital cost of about Rs. 6.5 lakhs. More such schemes for other villages in the area are being considered.
- (iii) Village Development : Unlike irrigation projects, a peculiar feature of the New Bombay project is that only the agricultural land is being acquired, while the village-sites remain intact. It is proposed to improve these village-sites by the provision of urban amenities like water supply, roads, dispensaries etc. to fit in with the new urban environment and to make them islands of exotic rural life within the city. Village development plans for this purpose are under preparation.

(6) CIDCO Bus Service :

To give impetus to the development of the city CIDCO has started the operation of a state-carriage passenger bus service between Dadar and Thana via Thana creek bridge and Thana-Belapur Road, in June 1972. 17 buses, each with a seating capacity of 31, are plying on this route at an interval of about 15 minutes. An important feature of this operation is that the buses are 'one man operated', i.e., there is no conductor and the driver issues the tickets also. With the one man system, the cost of operation is reduced. This is the first experiment of one man operation in India and has proved successful.

(7) Fast Ferry Service between Bombay and New Bombay:-

Bombay and New Bombay are separated by the waters of the Bombay harbour and the Thana creek. Communication between them is at present possible only through a circuitous road route or by means of existing ferry services which use slow-speed launches and take 45 minutes for the journey. It was felt necessary to operate a fast ferry service between Bombay and different points in New Bombay with a journey time not exceeding 30 minutes. After a detailed techno-economic study of various high-speed crafts, CIDCO has purchased an HM2 Hover Craft from a firm in the UK and this has now been put on trial runs. After some time it will be put on regular service.

(8) NEW AURANGABAD

Besides new towns, the State Government has decided to undertake the development of smaller areas near existing cities to relieve congestion in these cities and to stimulate the economic growth of these cities. The first such development has been undertaken by Government in Aurangabad where an area of over 1250 hectares, located between the existing town of Aurangabad and the Chikhalthana Industrial Estate, has been selected for development and notified for acquisition under the Act. About 50% of this area falls within the boundaries of the Aurangabad Municipal Council. CIDCO has been appointed the 'special planning authority' for this area.

According to the Development Plan for the area which has been approved by Govt. The area is sub-divided into 13 inter-linked neighbourhoods and a Town Centre. Each neighbourhood is planned as a self-contained unit to accommodate population ranging from 7000 to 12,000 and with its own shopping precinct, primary and secondary schools, community and health centres, clubs, etc. The object of neighbourhood planning is to create a sense of togetherness and

belonging within the community unlike the impersonal contacts which characterise life in most large cities today. Provision is also proposed to be made for a new Administrative Complex, a cheap housing scheme for industrial workers and landscaping.

Two neighbourhoods have already been taken up for development. Out of 138 plots laid out in neighbourhood No.1 and marketed in March 1973, 108 plots were sold by the end of November 1973. Work on physical infrastructure such as roads, water supply, tree planting etc., has been undertaken in this neighbourhood. In neighbourhood No.2, which will provide cheap housing to industrial labourers, a demonstration unit of 8 tenements was constructed and as a result, as many as 380 tenements have been already booked by important concerns set up in that area.

As regards the Town Centre, the construction of 'Udyog Bhavan' where offices of CIDCO and other State Govt. undertakings will be housed is nearing completion.

FINANCE AND EXPENDITURE

CIDCO is a public sector company with an authorised capital of Rs. 5 crores; out of which Rs.3 crores have been subscribed and Rs.1 crore paid-up. As explained elsewhere, land for the project is being acquired by Govt. and placed at the disposal of CIDCO, which will develop it from its own resources consisting of -

- (i) its capital;
- (ii) market borrowings; and
- (iii) sale proceeds of developed lands.

Initially it will have to depend upon its own capital and the market borrowings. So far it has raised a loan of Rs.12 crores in the open market. During the first 3 years of its existence, there was no revenue from sales. In 1973-74, however, it has put up for sale flats constructed by it and so far it has realised about Rs.17 lakhs, from the sale of flats.

In Aurangabad we have so far realised about Rs.5 lakhs by sale of plots.

The total expenditure during the last 3 years is as shown in the following statement.

	<u>Expenditure (in lakhs)</u>		
	<u>Capital</u>	<u>Revenue</u>	<u>Total</u>
1970-71	13.07	13.64	26.71
1971-72	52.43	126.72	179.15
1972-73	199.80	177.72	377.52
Total	265.30	318.08	583.38

RELATIONSHIP WITH ELECTED BODIES

Legislature : As a New Town Development Authority under the Maharashtra Regional & Town Planning Act '66. CIDCO has to submit its report to the Legislature through the Govt. It is also subjected to the control of the Legislature through the Committee on Public Undertakings. Further, since land acquisition for New Bombay is being done by Govt. by providing funds in the State Budget, it also comes under the purview of the Legislature and particularly the Estimates Committee and the Public Accounts Committees.

Municipal Authorities : In New Bombay there are two municipalities connected with the New Bombay project. The Urban municipality, though surrounded by the project area is completely outside the project. The Panvel municipality has a peculiar position. The original area of the Panvel municipality is outside the project, but the extended area of the municipality is a part of the new town and is thus subject to the jurisdiction of both the authorities, i.e. CIDCO as well as the Panvel municipality. However, so far there have been no conflicts between the two bodies.

ZPs and Village Panchayats : The New Bombay Project area is divided between 3 tehsils viz. Thana (part), Panvel (part) and Urban. There is, concurrent jurisdiction of the New Town Development Authority (i.e. CIDCO) as well as the ZPs, the Panchayat Samities and the Village Panchayats. There are about 60 village panchayats in this area. There are sometimes dispute between the Panchayats and the New Town Development Authority in New Bombay. The main points of dispute are -

(1) Building Permissions : As a New Town Development Authority under the Maharashtra Regional and Town Planning Act, CIDCO has the power to control building activity and no person can undertake any building activity without the permission of CIDCO. Hitherto this power was being exercised by the Village Panchayats under the Village Panchayats Act which have now been deprived of this power. This naturally results in disputes between the Village Panchayats and the New Town Development Authority. Some kind of understanding has been arrived at by an informal agreement that all such applications for building permissions will be referred to the Village Panchayats for remarks before permissions are granted. Further, to help the villagers in obtaining building permissions CIDCO has opened local offices and its engineers scrutinise the applications and even help the villagers in preparing applications.

(2) Taxation : This point has not arisen so far, but is likely to arise in the near future as CIDCO's first township gets ready.

(3) Amenities : CIDCO has undertaken a programme of improving the villages and providing them with all civic amenities like water supply, schools etc. This programme will necessarily take time. In the meantime, difficulties arise because Village Panchayats expect all this service to be free and in some cases the service had to be discontinued because of the failure of the Village Panchayats to pay water charges.

New Aurangabad : In New Aurangabad, nearly half the area being developed is subject to the jurisdiction of the neighbouring municipality and the rest of the ZP, the Block Panchayat Samities and the Village Panchayats. Both these areas are, however, undeveloped and there has, therefore, been no conflict between CIDCO and any of these local authorities.

RELATIONSHIP WITH SPECIAL PURPOSES BODIES

The only body with some consequence in the New Bombay area is the Maharashtra Industrial Development Corporation (MIDC), which possesses about 8100 acres of industrial land. Though so far there has been no conflicts between the MIDC and CIDCO, problems may arise in granting permissions for new industries in the MIDC industrial estates. In the beginning the MIDC used to grant permissions without consulting CIDCO, but now they are referring all such applications for remarks to CIDCO, which examines them from the point of view of building regulations, pollution problems, etc.

There are no other bodies of consequence operating in this area. In Aurangabad there are no special purpose bodies operating in the area being developed by CIDCO.

RELATIONSHIP WITH STATE FIELD ADMINISTRATION

The land for the New Bombay project is being acquired by Government and placed at the disposal of CIDCO. Likewise Government land in the project area is being transferred to CIDCO from time to time. This function of land acquisition and transfer of Government land is done by the Revenue authorities. There is no conflicts between the Revenue Department and CIDCO because the Managing Director of CIDCO is also Secretary to Government in the General Administration Department. Likewise the Chief Administrative Officer, CIDCO is a Deputy Secretary to Government in the General Administration Department. The appointment of these officers who hold a dual charge as Government officers as well as company officers has considerably facilitated work and there are hardly any occasions of conflicts.

RELATIONSHIP WITH THE STATE GOVERNMENT

As a Company the relationship of CIDCO with the State Government is somewhat indirect in as much as it is a subsidiary company of another company of the State Government viz., the State Industrial and Investment Corporation of Maharashtra Limited (SICOM). As a New Town Development Authority and Special Planning Authority, however, CIDCO comes directly under the control of Government under the various provisions of the Maharashtra Regional and Town Planning Act. It is required to submit its proposals for development, its development plan, its rules and regulations and its annual reports under the Maharashtra Regional and Town Planning Act to Government. But by virtue of the fact that the Managing Director and the Chief Administrative Officer of CIDCO are Secretary and Deputy Secretary to Govt. respectively, there is close co-ordination between Govt. and CIDCO.

The financial relationship between Govt. and CIDCO so far as the New Bombay is concerned, is briefly as follows :

- (1) Govt. acquires all the lands and places them at the disposal of CIDCO;

- (2) CIDCO develops lands from its own funds and sells them. All the expenditure on the development of land including construction of houses etc., is borne by CIDCO from its own funds which are derived from open market borrowings and the share capital. When these developed lands are sold, CIDCO will defray its own expenditure and refund the balance to Govt. after retaining for itself a small nominal remuneration of Rs.3-5 lakhs per annum.

In Aurangabad where CIDCO functions as a Special Planning Authority, the position of CIDCO is slightly different. There the lands are being acquired by CIDCO itself with its own funds, but the financial relationship between Govt. and CIDCO has not yet been fully decided.

Operational Problems : From what has been stated above, it can be seen that there are no problems with respect to State Govt. CIDCO enjoys considerable liberty in the matter of decision making and control by State Govt. So far there has been no difficulty about funds except for land acquisition in New Bombay for which the funds have to come from the State budget. Due to stringent condition of State Govt. because of the famine conditions in Maharashtra during the last 2-3 years, the State Govt. cannot spare sufficient funds for land acquisition. This year, however, CIDCO has got over this difficulty by making an "on account advance" to Government.

The major problem with the New Bombay project is the stiff opposition of local people to land acquisition and this has considerably hampered the progress of the project despite the fact that CIDCO has undertaken a very ambitious and comprehensive programme for the rehabilitation of the people likely to be affected by the project. In the initial stages even this programme was looked upon with distrust, but recently there has been a considerably change in the climate and we have been able to get at least the minimum land required for starting our urgent works.

There are no important operational problems in New Aurangabad.

ANNEXURE I

BOARD OF DIRECTORS OF CIDCO

(As on 30th November 1973)

- | | |
|--------------------------------------|--|
| 1. Shri N.M. Wagle, I.C.S.(Retd.)... | Chairman, (A prominent industrialist). |
| 2. Shri R.M. Deshmukh | ... Director |
| 3. Shri S.B. Bhirangi | ... Director (Non-Officials) |
| 4. Shri B.R. Barwale | ... Director |
| 5. Capt. K.V. Desai | ... Director, (Chief Executive Officer, Maharashtra Industrial Development Corporation - MIDC) |
| 6. Shri A.A. Deshpande | ... Director, (Mg.Director, State Industrial & Investment Corporation of Maharashtra Ltd.) - SICOM) |
| 7. Shri S.Y. Ranade | ... Director, (Chairman, Bombay Port Trust) |
| 8. Shri J.B.D'Souza | ... Managing Director (I) |
| 9. Shri P.C. Nayak | ... Managing Director (II) |

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SEMINAR
on

"URBAN PLANNING AND DEVELOPMENT
AUTHORITIES"

(March 1 & 2, 1974)

CONSTITUTION AND COMPOSITION OF AUTHORITIES
UNDER DEVELOPMENT ACTS

CENTRE FOR TRAINING & RESEARCH IN MUNICIPAL ADMINISTRATION
INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
NEW DELHI.

Constitution and Composition of Authorities
Under Development Acts.

.....

(A) The Delhi Development Act, 1957

Section 3 empowers the central government to constitute the "Delhi Development Authority".

The Authority is to consist of: The administrator of the Union Territory of Delhi as ex-officio chairman; a vice-chairman (whole time or part time), a finance and accounts member (whole time) and an engineer member (whole time) to be appointed by the central government; two representatives of the Delhi Municipal Corporation to be elected by the councillors from among themselves; two representatives of the Advisory Committee of the Union Territory of Delhi to be elected by the members of the Committee; three persons including one with experience of town planning or architecture to be nominated by the central government and the Commissioner of the Delhi Municipal Corporation as ex-officio members.

Section 5 empowers the Authority to constitute an Advisory Council. The Advisory Council is to consist of: The Chairman of the Authority as ex-officio president; two persons with knowledge of town planning or architecture and one representative of the Health Services of the Delhi Administration to be nominated by the central government; four representatives of the Delhi Municipal Corporation to be elected by the members among themselves; three persons representing the Delhi Electricity Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewerage Disposal Committee of the Corporation to be elected (one each) by the respective Committees from among themselves; three persons including one to represent the Commerce and Industry and one to represent the interests of labour in Delhi and four persons from the technical departments of the central government to be nominated by the central government and two representatives of the Lok Sabha and one representative of the Rajya Sabha to be **elected** by the respective Houses from among themselves.

Section 5(a) empowers the Authority to constitute committees consisting wholly of members or wholly of other persons or partly of members and partly of other persons.

(B) The Calcutta Metropolitan Development Authority Act, 1972

Section 3 empowers the state government to constitute the "Calcutta Metropolitan Development Authority."

The Authority is to consist of:

The Chief Minister of the state or his nominee as the Chairman;

the Commissioners of the Development and Planning Department, and the Town and Country Planning Branch of the Development and Planning Department and the Financial Commissioner of the state government as ex-officio members and not more than three persons to be nominated by the state government one from among the councillors of the corporation and the other two from among the commissioners of any municipality within the Calcutta Metropolitan Area. The nominated members are to hold office for a period of three years.

Section 13 provides for the constitution of an Advisory Council. The Advisory Council is to consist of:

The Advisory Council is to consist of:

The Chairman, of the Authority as ex-officio president; the vice-chairman, ex-officio, the Chairmen of the Board of trustees for the improvement of Calcutta and Howrah; the commissioner of the Calcutta corporation; two persons with knowledge of town planning and architecture; one representative of the municipal corporations and other municipal authorities (other than the Calcutta corporation) within the Metropolitan Area, one representative each from the Calcutta Electricity Supply Corporation and the Calcutta Tramways Company, a member of the Board of Directors of the Calcutta Metropolitan Water and Sanitation Authority, and a representative of the Calcutta Metropolitan Planning Organisation to be nominated by the state government; two members of the state legislature to be nominated by the speaker; the Chief Administrative Officer of the Metropolitan Transport project (Railway) and four other persons to be nominated by the state government.

Section 14 provides for the constitution of committees and is similar to Section 5 of the Delhi Development Act.

*(C) The Mysore Town and Country Planning Act, 1961

Section 4(C) empowers the state government to constitute a "planning Authority" for the local planning area in consultation with the state town-planning Board.*

The Authority is to consist of a Chairman and a Town planning officer (as member secretary) appointed by the state government; representatives of local bodies in the area and three other members appointed by the state government. (If there is

* The State Town-Planning Board is a state level body constituted under section 4 of the Act.

only one local authority in the planning area, one representative is to be nominated by that local authority from among the members and the Chief Executive Officer and if there are more than one local authority, a representative from each is to be nominated by the respective local authorities, the total number of such representatives not exceeding five).

Section 4 (F) empowers the Authority to get the assistance or advice of any persons in performing its functions under the Act - such persons shall have a right to take part in the discussions but shall not have a right to vote.

(D) The Gujarat Town and Country Planning Act, 1964

Section 4 empowers the state government to appoint a "Regional Planning Board" for a region or group of regions.

The Board is to consist of a Chairman and members not less than four and not more than fourteen including the Chief Town Planner as ex-officio member and Secretary of the Board. The Chairman and members are to hold office for a period of 5 years.

Local Authority is the de facto planning authority under the Act and is entrusted with the duty to prepare development plan etc. (Chapter III). Under Section 2 "local authority" has been defined to include a Special Development Area Committee also. Section 84 empowers the state government to declare certain areas (Industrial Area) as special Development Area for the expeditions enforcement of the Act in that area. - And section 85 empowers the government to appoint for such area a Special Development Area Committee consisting of members nominated by the government.

(E) The Bihar Town Planning and Improvement Trust Act, 1951

Sec. 4 provides for the constitution of "The Improvement Trust."

The Trust is to consist of:

A Chairman to be appointed by the state government, the chairman of the municipality, the Chief Engineer of the Public Health Engineering Department, The Director of Public Health and the Town Planner, Bihar (as ex-officio members); four persons including at least two non-officials to be appointed by the state government and two persons to be elected by the commissioners of the municipality from among themselves.

Section 15 empowers the Trust to co-opt members.

Sec. 16 provides for the appointment of committees.

Sec. 138 empowers the government to appoint a planning authority for any area other than a local area for which a Trust has been constituted.

(F) The Howrah Improvement Act, 1956

Section 3 provides for the constitution of a Board known as "The Trustees for the Improvement of Howrah."

The Board is to consist of eleven trustees viz.,

A Chairman to be appointed by the state government; the Chairman of the Howrah Municipality, ex-officio, three other commissioners of the Howrah Municipality to be elected by the Commissioners; two members representing the four Chambers of Commerce to be elected by them and four others to be appointed by the state government - (In case the Municipality or the chambers of Commerce fails to elect the members the state government has got the power to appoint them).

Section 16 provides for temporary association of members with the Board for particular purposes same as section 15 of the Bihar Act.

Section 17 empowers the Board to appoint committees. Same as Section 16 of the Bihar Act.

(G) The Orissa Town Planning and Improvement Trust Act, 1956

Under Section 6, the local authorities having jurisdiction or the Improvement Trust constituted under the Act for any particular area or areas are the "Town planning authorities" for the purpose of the Act.

Section 7 empowers the state government to constitute one or more "Improvement Trusts".

The Trust is to consist of :

A Chairman to be appointed by the state government; the Chairman of the Municipality, the Engineer of the Public Health Engineering Department or his representative, the Director of public Health or his representative, the Director of Town Planning as ex-officio member and four persons including at least two non-officials to be appointed by the state government. (When the Jurisdictions of the Trust extends over more than one Local Authority, the Chairman of every municipality or local authority to be an ex-officio member).

Section 80 empowers the state government to appoint an officer of the government to exercise the powers and perform the duties of a planning authority (a special planning authority) for any area other than a local area for which a trust has been constituted.

(H) Maharashtra Regional and Town Planning Act, 1966

"Planning Authority" has been defined under Section 2(19) as a "local authority" and includes a "Special Planning Authority" constituted under Section 40. "Development Authority" means a "New Town Development Authority" constituted under Section 113.

Section 4 empowers the state government to constitute a Regional planning Board consisting of a chairman to be appointed by the state government; the Director of Town planning (or a person to be nominated by him); not more than four persons from the members of the local authorities functioning in the region to be appointed by the government; not more than six persons having special knowledge or practical experience of matters relating to town and country planning, engineering, industry, commerce or agriculture and a Town planning Officer (as Secretary to the Board) to be appointed by the state government. Section 40 empowers the state government to constitute for any area within the jurisdiction of one or more local authorities, a "Special planning Authority".

The Authority is to consist of :

A chairman to be appointed by the state government, not more than two representatives in the case of one local authority and not more than four in the case of two or more local authorities, not more than four members having special knowledge or practical experience in matters relating to town and country planning and a Town planning Officer and a Chief Executive Officer (as Secretary to the Authority) to be appointed by the state government.

Section 113 empowers the state government to designate any area as the site for a new town and to constitute a "New Town Development Authority" for acquiring, developing and disposing of land in the area of the proposed new town.

This authority is to consist of a chairman, a Vice-Chairman and not more than four members having special

knowledge or practical experience in matters relating to town and country planning, a Town planning Officer and a Chief Executive Officer (as Secretary of the Authority).

(I) The Tamil Nadu Town and Country Planning Act, 1971

Section 2(14) defines development authority to mean a regional planning authority or a local planning authority or a new town development authority constituted under the Act.

Section 5 provides for the constitution of Tamil Nadu Town and Country planning Board. The board is to consist of a Chairman, (The Minister incharge of Town and Country planning); the Minister incharge of Local Administration; the Secretaries dealing with Town and Country Planning, Local Administration, Health, Industries, Housing, Revenue, Agriculture, Finance and Education appointed by the government; the Chairman of the Tamil Nadu State Housing Board or his nominee; the Chairman of the Tamil Nadu Slum Clearance Board or his nominee; three Chief Engineers respectively incharge of public Health and Municipal Works, Highways and Rural Works and Buildings, three members nominated by the Central Government to represent the Ministries dealing with Railways, Civil Aviation and Transport and Communications; one member to be nominated by the Tamil Nadu Electricity Board; the Director and the Joint Director of Town and Country planning; 4 members to be nominated by the government including two from the legislative assembly and one from the legislative council and one member of parliament representing the state, the president of the Chamber of Municipal Chairmen, president of the Tamil Nadu panchayat Unions Association.

Section 7 empowers the Board to appoint committees and also to co-opt any person who is not a member of the board.

Section 11 provides for the constitution of Town and Country planning Authorities. It empowers the state government to constitute, in consultation with the Director, the Regional planning authority, the local planning authority, or the new town development authority for the respective areas. It also empowers the government to declare a local authority as the local planning authority for a particular area where the local planning area consists of the area under the jurisdiction of a single local authority.

The Regional planning Authority is to consist of a Chairman to be appointed by the Government, the Deputy Director, Town and Country Planning of the region, not more than 4 members of the local authorities functioning in the area, three other persons including 2 members of the state Legislature, and a Member-Secretary to be appointed by the government.

The Local planning authority is to consist of a chairman to be appointed by the government, representatives of the local authority (in case where there is only one local authority in the area two representatives of that local authority and the Chief Executive Officer and in case there are two or more local authorities, not more than 4 representatives to be appointed by the government) three other persons including one member of the state legislature representing the area to be appointed by the government and a Member-Secretary to be appointed by the government.

The New Town Development Authority is to consist of a chairman to be appointed by the government, the chairman of the Regional planning authority concerned or a member nominated by him, the Deputy Director of Town and Country planning of the Region, not more than 4 persons to be nominated by the government including one member of the state legislature representing the area and a Member-Secretary to be appointed by the government.

Chapter II(A) which is proposed to be incorporated under the Act provides for the constitution of the Metropolitan Development Authority for the Madras Metropolitan planning Area.

Section 9(A) empowers the government to appoint the Madras Metropolitan Development Authority. The Authority is to consist of 12 persons appointed by the government, viz., A Chairman; a Vice-Chairman, 6 officers of the government; 2 members of the State Legislature; one to represent the trade and industry in Madras Metropolitan Area and one Member Secretary; the Director; the Joint Director or the Deputy Director of the Town and Country Planning of the Madras Metropolitan planning Area to be nominated by the Government, the Commissioner of the Corporation of Madras, representatives of the local authorities (as in the case of local planning authority); the Chairman of the Tamil Nadu State Housing Board or his nominee, the Chairman of the T.N. Slum Clearance Board or his nominee.

SEMINAR

on

"URBAN PLANNING AND DEVELOPMENT
AUTHORITIES"

(March 1 & 2, 1974)

Funds of the Authorities Under Development Acts.

(CENTRE FOR TRAINING & RESEARCH IN MUNICIPAL ADMINISTRATION)
INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
NEW DELHI.



Funds of the Authorities under
Development Acts.

(A) The Delhi Development Act, 1957

Section 23 enjoins the Delhi Development Authority to maintain its own fund.

The fund is to be constituted by: :

(a) all moneys received by the Authority from the Central Government by way of grants, loans, advances or otherwise. (sub-section (4) of section 23 provides for making grants, advances and loans to the Authority by the Central Government)

(b). all moneys borrowed from sources other than the Central Government by way of loans and debentures. (Sub-section (5) empowers the Authority to borrow money by way of loans or debentures from sources other than central government)

(c) all fees and charges received under the Act. (section 37 empowers the Authority to levy betterment charges; section 33 provides that all fines realised in connection with prosecutions under the Act shall be paid to the Authority)

(d) all moneys received from the disposal of lands, buildings and other properties movable and immovable. (Sec.21)

(e) All moneys received by way of rents and profits or in any other manner or from any other source.

(B) The Calcutta Metropolitan Development Authority Act, 1972

Section 7 provides for a fund for the Metropolitan Authority.

The fund is to be constituted by:

(a) all moneys as may be paid to it by the state government under the taxes on Entry of Goods into Calcutta Metropolitan Area Act, 1972

(b) all moneys borrowed by the Authority.

(c) such other moneys as may be paid to the Authority by the state government or any other authority or agency.

(C) The Mysore Town and Country Planning Act, 1961

Section 68-A enjoins every Planning Authority to maintain a separate fund.

The fund is to be constituted by:

(a) all moneys received by the Authority from the state government by way of grants, loans, advances or otherwise.

(b) all charges or fees received by the Planning Authority under the Act or rules, regulations or bye-laws made thereunder.

(c) contributions from the funds of the local authorities of the area as required by the state government.

(d) all moneys received by the Authority from any other source.

(Section 5) provides for the levy of contribution from the owners of the plots towards the cost of the scheme; Section 63 empowers the Planning Authority to borrow money; Section 76-G provides that fines when realised in connection with prosecution to be paid to the Planning Authority)

(D) The Gujarat Town and Country Planning Act, 1964

No specific provision regarding the maintenance of a separate fund.

Section 82 provides that any expenses incurred by the local authority or the state government under the Act or in connection with a development plan or a town planning scheme may be defrayed out of the funds of the local authority. The section empowers a local authority to borrow loans in accordance with the provisions of the Act under which the local authority is constituted or if that Act does not contain any provision for such borrowing, in accordance with the Local Authority Loans Act, 1914 for the purpose of a development plan or the making or execution of a town planning scheme. Section 71 provides for the

levy of contribution from the owners of plots towards the cost of schemes.

(E) The Maharashtra Regional and Town Planning Act, 1966

Section 130 enjoins every Regional Board, Planning Authority or Development Authority to maintain its own fund.

The fund is to be constituted by:

(a) all moneys received by them from the state government by way of grants, loans, advances or otherwise.

(b) all fees or charges received under the Act, rules or regulations thereunder.

(c) all moneys received from any other source.

(Sub-section (4) of Section 130 provides for making grants, advances and loans to the Board or the Authority concerned by the state government; section 122 provides for the payment of advances and grants to the Development Authority; section 153 empowers the Authority to borrow loans in accordance with the provisions of the Act under which the Authority is constituted or in accordance with the Local Authorities Loans Act, 1914; Section 99 provides for the levy of contribution from the owners of the plots towards the cost of the schemes.

.....5/-

(F) The Tamil Nadu Town and Country Planning Act, 1971

Section 64 provides for the constitution of a State Town and Country Planning and Development Fund by the state government for the purpose of furthering the town and country planning functions under the Act. / It also provides advance of moneys from the fund by the state government as grants or loans to the planning authorities. / It provides for the allocation of moneys from the consolidated fund of the state to this fund.

Section 65 enjoins every planning authority to maintain a separate fund called "the Planning and Development Fund Account";

The Fund is to be constituted by:

(a) the grants, advances or loans obtained from the government or from the state Town and Country Planning and Development Fund.

(b) contributions from the local authorities at the rate not exceeding ten per centum of the general fund of such local authority as the government may specify from time to time.

(c) all development charges allocated and moneys received under the Act.

(Section 66 provides for making subventions or advance loans to the planning authority by the government; section 43 provides for making advances and grants to the new town development authority by the state government; section 44

empowers the new town development authority to borrow money from the public or from any corporation owned or controlled by any state government or by the central government. Section 59 empowers every planning authority to levy development charges.)

(G) The Bihar Town Planning and Improvement Trust Act, 1951

The fund of the Trust consists of:

(a) all collections resulting from the increase in the stamp duty on certain transfers of immovable property. (section 86 provides for an increase by two per centum on the value of the property situated in the municipality or any local area comprised in the Trust and executed after the provisions of the Act comes into force in the area or (in the case of an usufructuary mortgage) on the amount secured by the instrument as set forth in the instrument.)

(b) annual contribution by the state government. (Section 87 enjoins the state government to contribute to the Trust every year for such period and such sum as may be specified in the notification)

(c) contributions from municipal fund (section 83 enjoins the Municipal Commissioners to pay from the Municipal fund to the Trust a sum equivalent to one per centum per quarter on the annual rateable valuation determined under the Bihar and Orissa Municipal Act, 1922.)

(d) all moneys borrowed from the state government.
(Section 89 provides that the Trust shall be deemed to be a local authority as defined in the Local Authorities Loans Act, 1914 for the purpose of borrowing money under that Act and further empowers the Trust to borrow money from the state government. Section 90 empowers the Trust to borrow money from the state government for meeting certain purposes;

(e) all fees or charges received under the Act, rules or regulations. (Section 77 empowers the Trust to levy betterment fee; Section 85 empowers the Trust to dispose of lands vested in it or acquired by it.)

(H) The Howrah Improvement Act, 1956

The fund of the Board consists of:

(a) contributions from Municipal funds. (Section 96 - same as Section 88 of the Bihar Act)

(b) share of the net proceeds of the terminal taxes assigned to it.

(Section 97 provides for such payment)

(c) loans

(Section 98 empowers the Board to borrow money from the state government for meeting certain purpose - same as section 90 of the Bihar Act.

...../-

(d) all collections resulting from the increase in the stamp duty on certain transfers of immovable property.

(Section 92 - same as section 86 of the Bihar Act.)

(e) all fees or charges received under the Act or rules.

(Section 80 empowers the Board to levy betterment fee; section 90 empowers the Board to ^{dispose of} lands vested in or acquired by it; section 94 enjoins the Board of Trustees for Improvement of Calcutta under section 84(2) of the Calcutta Improvement Act, 1911 to transfer one-half of the share of customs duty received by them to the Board.)

SEMINAR
ON
URBAN PLANNING AND DEVELOPMENT AUTHORITIES
(March 1 - 2, 1974)

Governing the Metropolis

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Governing the Metropolis

K. C. Sivaramakrishnan

The Context: metro growth inevitable :

1. There is a slow but growing realization in the developing countries that tomorrow's world will be largely urban. In India already 19% are in cities as of now and 19% of over 550 million is not a small figure. Chances are, by the end of the century the urban proportion in India, as elsewhere in the developing world, will not be less than 30%. More important than these numerical urbanisation is the fact, much of this growth will take place in large cities. Notwithstanding all efforts to disperse growth, remove regional imbalances and spread urban like services to the countryside, the primate cities which are already several times more populous than the next town in their region will continue to grow rapidly. India already has ten cities with over a million people as of now, compared to only 4 in 1951. And it is these which are adding to their number faster than others. Greater Calcutta, to cite an instance had 6.2 million people in 1961. It now has 8.3 million and the more conservative projections place the figure at 12.7 million by 1986. In a quarter century Calcutta will have doubled itself. Bombay, Delhi and Madras at least, are likely to go in the same direction. The phenomenon is not confined to any particular developing country. Abidjan grew from 69,000 in 1950

to half a million today; Lagos from a quarter to 1½ million; Bangkok from 1 to 3 million and Bogota from 0.6 to 2.5 million.

2. Though no close relationship has been established between city size distribution and relative economic development and while many of the growing large cities are ancient and young as well, speaking generally, efficiencies for increasing production and incomes continue to be more easily available in the metropolitan areas. The facility of communications with consumer markets and primary production materials, an existing manufacturing base, pool of finance, management and labour resources, the range of goods and services, the variety of skills etc - all these, allowing for certain exceptions where an environment is specially created for a large industry, seem to be within greater reach in the metropolis. Higher farm incomes may only add strength to the consumer demand and consequent industrilisation/urbanization. While new centres of industry and urban growth will help deflect the migrant tides into larger cities, this will only be a partial deflection at best. In all, we have to reconcile ourselves to large cities becoming larger.

3. Size apart another inescapable (at least in the foreseeable future) feature of the large cities will be, the majority of the citizens would not be able to afford the kind of services which the metropolis needs as part of its infrastructure. With over 60% of the families having income of less than Rs 200 many would be "priced out" of the pucca city, so to say, falling outside

any form of amortizable housing or other services. Depending on the efficiency of the institutions charged with the upkeep of the city, consumer charges would exist no doubt but in most cases the sum total of these charges would be well below the amounts needed for amortizing or even maintaining these services. Attempts to recover the costs of services through consumer charges or even property rates (especially in the context of socialising urban land) are not likely to succeed. Financing the metropolis cannot, therefore, be relegated as a civic responsibility only.

Special problems in the metropolis:

4. It is in this context that the requirements of Metropolitan Administration have to be viewed. There are, besides, several special features which characterise the functioning of the metropolis. Some of these are described below :

By definition the metropolis is a multiple of polities or different units. The metropolis is a product of evolution. When the city ceased to be a bastion of defence and communications became easier, suburbs developed and slowly coalesced with the core city as in 19th Century Europe. Over a period of time self-governing institutionalities developed for these different polities and their identities consolidated. In time the gaps between the first city and subsequent settlements were filled and areally the metropolis was a reality. Yet, all over the world the numerous polities have remained exceptions, is highly fragmented. In the U.S. eleven metropolitan cities are fragmented

in over 250 administrative units out of which 5 have more than 500 units apiece. Greater Calcutta for instance comprises 2 corporations, 35 municipalities, 61 non-municipal urban units and over 100 semi-urban Anchal panchayats.

By definition again, notwithstanding the fragmentation, the different units of the metropolis share a central Business District, strong economic ties, a circulation system and often other basic services like water and sanitation, health, education etc. Usually the urban support system i.e. daily supplies and their distribution is also shared. The efficient sharing of these services in proportion to the needs is itself a major task in the metropolis.

While the metro core draws its economic strength from the rest of the metropolis, it has to contend with a sizeable day time increase to its population. The core is usually the CBD with high density office population but very little residential support. The situation may vary from one metropolis to another, but usually it is the metro core which has to provide the vast array of civic services needed for the large day time population. Where the metro core and metro fringe do not share the same boundaries it is likely that a substantial part of the day time population may not be within the taxing purview of the metro core at all.

Requirements of metropolitan administration:

5. The broad requirements of metropolitan administration may then be stated as follows:

- planning at the metropolitan as also local levels; the machinery should include measures for the enforcement of plans as well.
- Development or implementation of the planned programme which includes devising a machinery for mobilising resources for capital development.
- Operations and maintenance of the services at the metropolitan as also local levels including measures for defraying the costs by taxes and other means.
- participation of the general public, consumers of the services etc.

The central issue in governing the metropolis is whether these functions should reside, conceivably, feasibly in one body or should be distributed among more than one. What are the alternatives, especially in the Indian context?

Fragmentation with marginal control :

6. One is to live with the existing fragmentation of the metropolis in numerous administration units. Some marginal consolidation may be attempted to put together patently small and non-viable local units but the multiple polities will continue. Resources will have to be mobilised and applied on an area basis. Inevitably there will be conflicts of jurisdiction, considerable disparity in the level and standards of services rendered and wastage of resources. Chances are the different units will share financial bankruptcy and be largely dependant on the state. partially, an attempt may be made to control

the chaos by setting up some kind of a metropolitan planning body at the state level or at state initiative on a federative basis. Such a planning body might be responsible for overall metropolitan planning, drawing up capital development programmes guide resource mobilization and allocate resources through capital budgetting. Since the polities retain their autonomy, it is likely such a planning body will be largely consultative or advisory, and may not have any decisive role. This, in essence, was the situation in Greater Calcutta between 1961 and 1970, the period when the Calcutta Metropolitan Planning Organisation was charged with the tasks of plan preparation, and capital programming. Of course, there was no statutory base for the planning tasks but it is very doubtful whether even such a base would have ever helped the CMPO discharge planning enforcement functions in the absence of adequate machinery at local levels to receive and relate the metropolitan plan to local land use and building bye-laws. At any rate, in the context of very large deficits which characterize all our metropolitan cities (with the possible exception of Delhi) setting up an elaborate machinery for the traditional, land use type of master planning is only an evasion of real issues.

Functional Districts approach:

7. The next model available is 'Functional Authorities', popular as yet in western countries especially the North America. The functional authorities pattern was evolved not out of any

serious consideration of division of powers but more out of the desperation of urgent needs. As the city shed its traditional limits and easy transportation led to the rapid spread of urbanisation, the prime needs of urban existence - streets, water, sewers, schools, fire protection and so on came to be felt more strongly. The fulfillment of these specific needs for a given area and given clientele was important. Coupled with a latent desire of the suburbanite to keep away from the City Hall, the special functional district was born. There was an underlying presumption that certain functions are patently metropolitan in character and are performed best at the metropolitan level. There was also an equally underlying, though unstated, supposition that the functions so identified could be performed independently. The result was not an organised division of powers, responsibilities and resource within the metropolis but a juxtaposition of monocracies - one for water & sewerage, another for schools, a third for renewal, a fourth for ports and terminals and so on : often at variance and in conflict with each other. The concept of a series of functional authorities is only another kind of fragmentation, and there is growing disenchantment with the concept in the absence of a broader, clearer frame work for resource mobilisation and allocation on the metropolitan scale. This apart, while functional authorities may have established their efficiency "dollarwise" and functional systems "per se" get operated, the investments have not always been related to the surface. Local

units have lost their voice but there has been no satisfactory mechanism to relate to sensitive local needs to the comparatively rigid requirements of metropolitan service systems.

8. The Indian experience with functional authorities is limited. The Delhi Water & Sewerage Disposal Undertaking, though functional, is a creation of the Delhi Municipal Corporation. So is the transport and power undertaking under the Greater Bombay Municipal Corporation. The Corporations of Madras and Calcutta continue to deal with these services through different departments. In the Basic Development Plan 1966, for Greater Calcutta (the Calcutta Metropolitan District) a series of functional authorities, one for water supply & sanitation, the second for Traffic & Transportation, third for parks & playgrounds, a fourth for Hooghly River Crossings and the fifth for Education, were proposed. The Calcutta Metropolitan Water & Sanitation Authority was also set up in 1966 as the first of the functional bodies to take over and build new water and sanitation facilities in the CMD. Due to stiff opposition from the numerous local bodies and the absence of resources (to the extent of making a difference) the CMWSA has remained 'defunct ab initio'. Very recently, the state government under an ordinance have vested the management of the CMWSA in the more recently formed Metropolitan Development Authority.

Metro Government Models:

9. A third model for the metropolis is that of a single

unified body. In a sense, this is an extension of the 'one city - one corporation' idea where the entire metropolitan area is brought under one municipal or other kind of control. Evolution and other events usually determine whether such a single body is elective or nominative. Canberra, Washington D.C., Ottawa, the prefecture of Paris etc. are examples of non-elective, nationally governed metropolitan entities. The Corporations in Bombay, Madras, Kanpur etc. where one elected body exercises control over more or less the entire metropolitan area are instances of the other form. Depending on the efficiency with which such elective bodies perform their functions, the natural tendency is to have their boundaries extended as the metropolis expands.

10. A single metropolitan government has several obvious advantages to offer. The mobilisation of resources and their application to the different aspects and parts of metropolitan civic life become feasible. The conflicts of 'use and service costs' between the inner and outer cities are reduced. Authority can be identified and, given some wisdom, can also be exercised efficiently. Yet, there is a simple assumption behind a single metropolitan authority : that, it has the needed leadership and the competent machinery. Size is an important factor and beyond a point is in inverse ratio to efficiency. A single tier metro government will have to devise the means whereby the conflicting needs of different parts of metropolis and the different functional

requirements are grasped, projected and reconciled. Single tier metro governments, especially those directly elected on the basis of adult franchise, are also strong political entities and their role and strength at the state or the national political levels have to be understood carefully. In the Indian context where the metropolis is usually the primate in its surrounding region and invariably the state capital as well, the juxtaposition of a state and a strong metro government may lead to some interesting consequences. Historically, the metropolis in India has also been the cradle of political education and leadership. The Calcutta Corporation itself, is a classic example of how a civic institution could be deliberately fashioned into a platform for state and national political action. Where adult franchise is the basis for forming state and local governments, a conflict between a state and a metro government cannot be ruled out. Of course, the Indian Constitution assigns fiscal and legislative powers between the Union and the states and municipal institutions are viewed in the arrangement, ^{as} only creatures of the state or the Union governments. It is possible then to shape the form and content of metro governments in a manner as to allow dominance or overriding powers for the state, but it is doubtful whether such an arrangement could be maintained for long. Autonomy is still the essence of local government and it is politics that largely determines whether this autonomy is eroded or enhanced.

11. A variation of the unified metro government model is a 2-tier arrangement, with an apex body at the metropolitan level and a series of subsidiary units at local levels. In such an arrangement functions and powers are divided as patently metropolitan and patently local. For instance arterial roads, head-works and trunk mains for water supply, treatment and disposal facilities for city wastes, metropolitan transport etc. might be regarded as functions of the apex body. Street cleansing, water supply distribution, maintenance of local roads, local parks etc. are considered local functions. Usually in such an arrangement, taxing powers are retained by the apex body using the local units as collection channels in some cases and the proceeds are distributed between the two in keeping with the allocation of functions. Planning and development controls are also retained at the metropolitan level and within that framework local units may function with delegation. There is an option in the 2-tier arrangement to make both levels or the local level only, as elective. If the former, the political implications vis-a-vis the State may persist as discussed in the foregoing paragraph. If the latter, it is quite conceivable that the apex body is shaped as a federative body with representatives of the local units as also nominees/representatives of the State Government/State Legislature.

Power sharing in metro governments:

12. In either case, whether the metro government is of one or two tiers, a clear distinction needs to be made between the

deliberative and executive functions. The absence of such a distinction and more often, a bad admixture of them, has been the malaise of municipal institutions in the country. The multiple complexities of the metropolis undoubtedly call for a strong executive but this is not to be viewed as a non-political executive. A major reason for the uneven functioning of the city governments in the larger cities of the country could well be the artificial 'triumvirate' a populist elected council on the one hand, an ornamental mayor and a set of committees on the other and a non-political executive, (usually the state appointed municipal commissioner as a sort of watchdog) on the third. At least in the major metropolitan situations, there is a case for a power structure similar to the state itself. The elected Council could be the deliberative legislative body akin to State Assemblies and a Mayor-in-Cabinet could be set up on the same lines as Council of Ministers. It is necessary that the Council and the Cabinet have the same duration. In such an arrangement a political executive will have to assume clear responsibilities and the non-political executive of Commissioner and deputies would act under the orders of the political executive.

Is the scene ready for metro reform?

13. **Whatever** the model for governing the metropolis, there is a strong assertion that a metropolis by definition has to take a metropolitan view of things. This assertion gains

acceptance to the extent the functional and spatial unities in the metropolis are understood. More important and perhaps even rarer, is the understanding that in the metropolis many of the problems such as transport and utilities are interlinked and admit of metropolitanwide solutions only. As a corollary of Parkinson's Law it may be stated 'understanding is in inverse ratio to the size of the problem'. The larger the issue, the more the fear and the greater the reluctance to come to terms with it. Besides, size also alters the quality of the problem and the nature of the solutions. Faith in what is small and simple is touching and universal. Especially in India, where 'local sanitation' has been the limited and principal spur to the evolution of municipal government, people tend to regard small scale municipalities which can keep a 'direct eye on the dirt in the street' as viable and useful. Slightly more sophisticated is the persisting undertone in politics - 'power dispersed is power controlled'. So long as these prejudices persist, the scene is not ready for any major reform towards metro government.

The Calcutta experience:

14. The exercises in the Basic Development Plan and thereafter towards an institutional framework in the Calcutta Metropolitan District would illustrate the case. When the B.D.P. was drawn up in 1966, the concept of a metro government was unthinkable. In most of the municipalities, the leadership was different from

that of the State. The BDP came up with a compromise of sorts. There would be a series of metropolitan wide functional authorities - for water & sanitation, traffic & transportation, parks & playgrounds for schools and one for bridges across the river as well. The two improvement trusts for Calcutta and Howrah would be expanded and enlarged as East Bank and West Bank Development Authorities to deal mainly with Area Development and Urban Renewal. The 35 odd municipalities, the 2 Corporations and the numerous non-municipal units would all be grouped or regrouped into six or seven Corporations responsible for local functions, local taxation and local maintenance. Above all these, would be a Metropolitan planning Authority for metropolitan wide planning, plan enforcement, development programming and capital budgetting. The distribution of resources and powers between these different bodies were not spelt out clearly in the BDP. Possibly, it was expected the proposals would stimulate some fruitful debate and consensus. Promise of WHO assistance led to the creation of a Metropolitan Water & Sanitation Authority soon after. The Authority was to take over existing installations, set up new ones and assume responsibility for the entire function, from generation and disposal facilities to individual house connections. The Authority was also given independent powers to levy consumer charges. From the bits and fragments of the existing municipal scene to a single unified functional authority was, perhaps, too big a jump. Perhaps things might have worked out

differently if the first of the functional bodies had assumed the role for funding and building headworks only. Anyway opposition from the local bodies to the CMWSA was swift and also clever. The draft of the bill setting up the Authority with a compact and decisive 3-Member Board of Directors and a 30-Member Advisory Council vastly changed its shape and ended as an Act providing a powerful 55 Member General Council with strong municipal representatives and a 5 Member not so powerful Board of Directors. Between 1966 and 1970, in the absence of funds, the relevance of institutional reforms was lost and attempts to set up further functional authorities were given up.

15. The setting up of the C.M.D.A. late in 1970 as a compact statutory body with metropolitan jurisdiction and wide powers for planning, funding and organising a multi-sectoral development programme was a major change in the scene. CMDA's creation marked a departure from BDP recommendations and came close to an unified command for metropolitan planning and development. Presumably it was easier to take this bold institutional step since the State was under the President's Rule. There was also the presumption that if the metropolitan authority proved its worth within a short time it could successfully trigger off other institutional changes covering the local authority's work as well. Early in 1972 the proposal to set up a 2-tier metro council was initiated and much discussion in the official levels of the CMPO, CMDA, the Calcutta Corporation and the State Planning Board ensued. The idea

was to group the entire Metropolitan District into 30-35 Boroughs, have a directly elected borough council for each, and set up a metro council consisting of all the borough councils' Chairmen plus nominees of the State Government and the representatives of the State Legislature. The duration of both the metro and the borough councils was to be five years with a Mayor-in-Cabinet functioning as the political executive at the apex level. The metro council was to be responsible for metropolitan level functions and the borough council for local level functions. Assessment of taxes and allocation of resources between the metro and borough councils was to be done by the State Government. The metro council was to be responsible for planning and development at the metropolitan level as well. After an year of uneven debate the proposal some how came to be dubbed as a move for a political counter point to the State and quitely dropped. From mid 1973 another set up of moves began, mainly to consolidate the responsibilities for planning and development. At the time of writing these moves have been largely completed and the CMDA itself has now assumed the responsibilities for metropolitan wide planning and development programming. Responsibilities for execution of projects assigned earlier to Engineering Directorates of the State Government have been resumed by the CMDA itself and the management of the statutory bodies like the Howrah Improvement Trust and the Metropolitan Water

and Sanitation Authority has also been vested in the CMDA. The administrative control of the CMDA, the Hooghly River Bridge Commissioners as also the Calcutta Improvement Trust has been brought into the one Department as well. As yet, the role of the Metropolitan Planning Organisation vis-a-vis the CMDA continues to be some what uncertain. But this uncertainty is likely to be ended soon with the planning organisation assuming, perhaps, responsibility for Town and Country Planning functions elsewhere in the State under possibly a different label. The result of these efforts has been an unified command for planning and development at the metropolitan level, but the picture still leaves out the local authority frame work. Some exercises are in progress to identify new resources and optimise yields from the investments currently being made towards their future maintenance. But the issues are unlikely to be resolved satisfactorily without corresponding institutional changes in the local authority set up of the Metropolitan District.

The prospects for metro reform:

16. The Calcutta experience might be discounted on the ground of its own peculiarities but metro politics is not unique to Calcutta by any means. Elsewhere in the country fragmentation might not be of the same acute order but in the metro cities multiple complexities persist. Nowhere can it be said that the municipal institutions themselves have reached the advanced stage of growth permitting self-inquiry and change. By and

the prospects for major metropolitan governmental reform do not appear to be very bright. Nevertheless, as mentioned earlier in this paper there is the inevitability of large cities getting larger. Deficiencies in the basic urban services affect almost all cities and more particularly urban - industrial agglomeration like Calcutta, Bombay, Madras, Bangalore, Kanpur, Ahmedabad etc. Despite the massive investments in the decades after Independence there is little evidence to show that the quality of urban life has changed significantly for the better. On the contrary the spread of income has continued to be uneven and the proportion of the urban poor within the metropolis is increasing. As the need for augmenting the basic urban services increases the ability of large segments of the people to even pay for the operation and maintenance of these services, much less to amortize them is not rising in proportion. By and large the fiscal base of the local bodies in India is the tax on property. Though metropolitan cities are, in fact, engines of production generating and sharing wealth for the country as a whole, the institutions charged with the running of these cities do not have access to taxes more directly related to the production systems. It is unlikely that the existing methods of taxation and revenue sharing between the Union, the states and the Local Bodies would alter substantially in the near future. Willynilly, the dependence of the municipal institutions on the State will only increase.

17. Increasing urbanisation would also bring in its wake

increased competition for the use of urban space. However advanced the techniques for spatial planning might be, it is the institutionalities which determine optimum and effective land use. The pressures of industry, of migration, of squatter settlements, of a rapidly expanding though poorly paid tertiary sector, of transportation etc. are only mounting and area matter of daily concern to the municipal institutions in the metropolis. The administrative and legal instruments these institutions possess are clearly outdated and more often the municipality in the metropolis throws up its hands and expects the state or someone else to sort out the mess. It cannot be disputed that the degree of success Delhi has had in planned development is largely due to the backing the Delhi Development Authority received from the Union Territory's administration as well as the Union Government. The conflicts inherent or apparent in the Backbay Reclamation versus the Twin City in Bombay where the Centre is close to becoming a referee is also an instance to the point. As deficiencies in the services increase, as obsolescence catches up, as urbanisation spreads, and as municipal institutions continue to heave and sigh in their time worn steps the pressure of the scene might well dictate that the responsibilities for planning and development at least should be identified and located in non-municipal institutions as has happened in Calcutta or in Delhi.

The organisational type needed:

18. In the Indian context any debate about assigning the planning

and development functions to separate organisations is largely irrelevant. As mentioned in the foregoing paragraphs deficiencies of every kind will continue to dominate the metropolitan scene in the country. The planning perforce will have to deal mainly with these deficiencies at least for the next two decades and such planning, if to fulfil even the modest goal of survival, has to be carried down to the level of action plans and programmes. The feed back and corrections to the planning process and content has to be constant. We have neither the resources nor the time to indulge in esoteric or detached planning at this stage.

19. The organisation charged with planning and development though non-municipal in character will have to accommodate the municipal interests. It will also need to have some arrangements to involve the various utility concerns and more importantly those concerned with traffic and transportation including suburban and mass transit systems. The planning will also have to cover policies for operation and maintenance. Atleast for a limited period there seems no escape for non-municipal metro level organisations to assume responsibilities for operating the metro systems as well. What is being suggested is not a substitution or obliteration of municipal entities but the setting up of a broad based non-municipal metro level organisation which would serve as a platform to pool municipal, State and Central

resources. It would also be the focal point for metropolitan level actions and hopefully enlarge in the process the audience for a "metropolitan view" of things. In the best of societies institutional change is but incremental. A realistic reform programme must temper the practicable in an administrative sense with the practicable in the political sense. The present institutional mess on the urban scene in the country is the outcome of a long and hoary past. Consensus towards a change for the better must be worked for and slowly won. The proposals for separate Metropolitan planning and Development Authorities should, therefore, be viewed as interim and as allowing maximum options open. Depending on the exigencies of the situation at each place the size, shape and composition of such bodies will have to be worked out. It would be futile either for the state or the centre to look for an uniform formula in this regard.

SEMINAR

ON

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Metropolitan Government : Some Foreign Models

by

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Metropolitan Government : Some Foreign Models

by Mohit Bhattacharya

It is tempting to draw on the models of government available in the metropolitan areas elsewhere, when one is looking for solutions to governmental problems in our metropolitan areas such as Greater Bombay, Calcutta, Madras, Delhi and others. This paper attempts to depict broad-brush pictures of the systems of government in four metropolitan areas viz., Greater London, Toronto, Paris and Tokyo. One word of caution will be in order in this connection. Governmental forms at any level in a country usually have deep roots in local history and tradition of governance, and these lend an evolutionary character to governmental structures. The form of metropolitan government in Greater London, for instance, cannot be understood save in the context of English predilection for local government and the evolutionary processes that produced the structure of London's metropolitan government. This applies equally well to the governments of other metropolitan areas such as Paris, Tokyo and Toronto. In each metropolitan complex, the governmental form has evolved

through a continuous process of adjustments, and the extent of attachment to the value of devolution has considerably conditioned the overall design of metropolitan government in each country. We may now examine in turn the structures of metropolitan government in the four cities.

There are various structural solutions to the problem of governing a sprawling metropolis whose boundaries go on shifting continuously. Formal structural solutions would include :

- i) two-level approach
- ii) one-government approach, and
- iii) special districts.

The four cities in our sample have adopted the 'two-level' approach which we will be discussing in more details, as we turn to the form of government of each city. Suffice it to say here that the two-level approach is a kind of metropolitan federalism under which a new level of metropolitan area-wide government is created to tackle the problem of comprehensive planning and to coordinate and provide major area-wide services all over the metropolitan region. While a lower tier of governmental subsystem consists of a number of smaller units that administer smaller, local community services.

One-government approach, on the other hand, provides a unitary solution by annexing and consolidating neighbouring

local areas and thus producing a strong single government for the entire metropolitan area. Our corporation governments in Calcutta and Bombay, for instance, have thrived over the years on annexation.

A third approach to metropolitan government has been the constitution of special districts for administering specific functions for the entire metropolitan area. This is quite common in the United States of America. In our country, Calcutta's Water Supply and Sanitation Authority is a typical example of special district approach.

Aside from these formal structural solutions, less formal approaches to metropolitan governmental problems include such devices as intergovernmental councils and committees. The purpose of forming 'metropolitan councils' is to promote inter-municipal cooperation in a metropolitan area, and to encourage a joint endeavour to solving common problems on purely voluntary basis. The Metropolitan Washington Council of Governments in the U.S.A. and the Rijnmond (Rhine Estuary) Authority in the Rotterdam metropolitan area in the Netherlands are instances of voluntary inter-local authority efforts to constitute an organizational nucleus to mount a concerted attack on metropolitan problems. The Rijnmond Council consists of 81 members on the basis of one third appointed by local municipalities and two thirds

elected directly. Throughout the Rotterdam Area, the Council provides technical assistance to the local municipalities, prepares the regional plan and generally promotes inter-local authority cooperation.

Greater London: As already mentioned, the broad approach to metropolitan governmental solutions in London, Toronto, Paris and Tokyo has been toward evolving a two-tier machinery. Despite this similarity in approach, the shape of metropolitan government in London and Toronto has been largely determined by the value attached to local government in England and Canada. Contrarily, Paris and Tokyo seem to have more faith in centralization that has dictated a less prominent role for local government in their metropolitan governments.

Greater London's present two-tier system of government came into effect in 1965, as a sequel to the recommendations of Herbert Commission. More than administrative efficiency what the Commission felt should be achieved through metropolitan reorganization was participative democracy through governmental systems that would be "near at hand and easy of access". To quote the Commission, "no amount of potential administrative efficiency could make up for the loss of active participation in the work by capable, public spirited people elected by, responsible to, and in touch with those who elect them."¹

1. Report of the Royal Commission on Local Government in Greater London, Cmnd. 1164, H.M.S.O., 1960, para 220.

Under the London Government Act, 1963, local government in Greater London consists of two-tiers, each of which is directly elected and multi-functional. The Greater London Council constitutes the top-tier, and the lower tier consists of 33 units, viz., 32 London Boroughs and the City of London.

The division of functions between the two tiers has been done in such a way that, generally speaking, metropolitan area-wide functions have been entrusted to the Greater London Council, while purely local functions have been assigned to the boroughs. Some instances of sharing of functions would be as follows :

Comprehensive planning in the nature of metropolitan plan strategy is the responsibility of the GLC; the boroughs may, however, prepare local plans following the basic strategy laid down by the GLC.

Metropolitan roads are looked after by the GLC, whereas the boroughs have responsibility over local area roads.

All the personal health and welfare services have been assigned to the boroughs, the GLC having only the charge of the ambulance service.

Refuse collection and disposal is shared by both the the boroughs, while disposal is the responsibility tiers. The collection of refuse is the responsibility of / of the GLC. As regards sewerage administration, the GLC looks after main sewers and sewage disposal, and the boroughs are responsible for other sewers.

Water supply is not a local government function in Greater London, this is the responsibility of the Metropolitan Water Board consisting of representatives of the GLC and the London boroughs, and members of adjoining organisations.

Toronto : Toronto's metropolitan government came into being in 1953. In a two-tier system, the Municipality of Metropolitan Toronto forms the upper tier. It consists of an outside chairman, and thirty-two members representing the six participating municipalities that constitute the lower tier of the metropolitan government. In January 1967, the original thirteen member municipalities of Metropolitan Toronto were reduced to six new metropolitan boroughs. The metropolitan council at the upper tier seeks to achieve "a political balance among the participating municipalities". The distribution of functions between the two tiers is shown in Table 1.

The two-tier approach has, however, not been able to eliminate functional fragmentation in the Toronto metropolitan area. A variety of local boards and commissions responsible for specific functions adds to the governmental crowd in the metropolitan area and renders coordination difficult.

Table 1

Distribution of Functions between the two tiers
in Toronto

<u>Function</u>	<u>Metropolitan Toronto</u>	<u>Area Municipalities</u>
1. Planning	✓	✓
2. Zoning	-	✓
3. Express ways	✓	-
4. Local roads	-	✓
5. Water : purification and trunk distribution	✓	-
6. Water : local distribution	-	✓
7. Garbage : collection	-	✓
8. Garbage : disposal	✓	-
9. Air pollution	✓	-
10. Sewage disposal : Sanitary trunk system and disposal plants	✓	-
11. Sewage disposal : connecting systems	-	✓
12. public health services	-	✓
13. Chronic and convalescent hospitals and ambulance services	✓	-

Source : Eric Hardy, 'Toronto and Montreal', in Great Cities
of the World by W.A. Robson and D.E. Regan (eds.),
Vol. II, London, George Allen and Unwin Ltd., 1972.

Paris : By a law of August 2, 1961, a new area-wide authority was created under the name of the District of the Paris Region. The Prefect of the Paris Region concurrently functions as the Delegate General to the District of the Paris Region. Within the Region, there are 1,305 communes which constitute the basic municipal unit in France. The entire Region has been reorganised into 8 new Departments. Thus, the Paris Region may be said to have a three-tier government consisting of the communes, the Departments and the District. The last one is an innovation without parallel anywhere else in France. It may be pointed out that in French Law there are two types of territorial local authorities - the department and the commune. Under the supervision of departmental prefects, the representative councils at the levels of department and commune undertake specific functions. In general, purely local functions such as water supply, sewerage, refuse collection and the like are undertaken by the communes either individually or in groups known as 'syndicates'. Many a time, major municipal works would be taken over by the departments. For instance, the former Department of the Seine in the Paris Region had to take charge of disposal and purification of sewerage.

The top-most tier - the District of the Paris Region - is basically an agent for financing and planning redevelopment of the entire Paris Region. The guiding principles for the District

are laid down in a strategic scheme for the planning and development of the region which was formulated between 1963 and 1965. As the top-most metropolitan area-wide authority, the district has been made responsible for a number of important functions such as study of problems relating to public utilities, organization of regional public services, financial assistance to local authorities and other public agencies, supporting borrowings of local authorities, and even taking over of particular functions and services in the public interest.

There is an administrative board for the District consisting of elected representatives of communes and departments. The decisions of the board are implemented by the Delegate-General who is appointed by the Central Government. In the Paris region, the District has played a significant role in the quick provision of key public services and in effectively supplementing the work of the local authorities in the region. To quote an authority, "It has provided an opportunity for a dialogue between the people, through their elected representatives, and the administration, at the regional level, which has proved very effective. This dialogue has even been extended, after the creation in 1963 of the Social and Economic Consultative Committee composed of representatives of trade unions, professional organizations and other bodies. It has proved to be a catalyst² in the awakening of a genuine regional community feeling".

2. Paul Delouvrier, 'Paris', in W.A. Robson and D.E. Regan (eds.), on cit.

Tokyo : The metropolitan region of Tokyo covers a radius of about 50 km. from the Tokyo central station. It embraces the daily commuting zone and the areas under the strong influence of the metropolis. There is a two-tier system of government for the metropolitan region with the four prefectures including the Tokyo metropolis forming the upper tier and a total of 175 local authorities constituting the lower tier. The government of the Tokyo metropolis is based on the American system of separation of the legislature and the executive. Thus, the upper tier government consists of a directly elected metropolitan council and the metropolitan governor who is a directly elected chief executive like the U.S. president. Of the lower tier authorities, the 23 special wards within the Tokyo Metropolis constitute the urban core of the metropolitan region. Each special ward has a directly elected council of 60 members. The Mayor, who is the executive head of a special ward, is elected by the ward council with the consent of the metropolitan governor. He may be selected from among the councillors or from outside. The distribution of functions between the Metropolitan Government and the Special Wards is shown in Table 2.

Table 2

Tokyo Metropolitan Government : Distribution of Functions
between the two tiers

Metropolitan Government	Special Wards
city planning, water works, sewerage, collection, transportation and disposal of refuse, fire brigades, etc.	Schools for compulsory education, public libraries, public health services, social welfare functions, building control etc.

Source : Masamichi Royama, 'Tokyo and Osaka', in W.A. Robson and D.F. Regan (eds.), op. cit.

The metropolitan government ensures coordination among the different special wards, and makes financial adjustments between the two tiers. There is a special standing conference consisting of the metropolitan governor, six officers of the metropolitan government and seven members representing the mayors of special wards; this conference serves the purpose of a coordinating mechanism between the two tiers of government.

Currently, the shape of Tokyo's metropolitan government is being debated upon. The tremendous growth rate of the region has created a situation of run-away urbanization in a vast area including the three adjoining prefectures of Tokyo.

A gigantic regional authority embracing this vast area has been favoured in some quarters, and possibly central government control would in that case increase over the administration of the regional authority. The central government's concern for regulating the urban growth of the Tokyo metropolitan region can be evidenced from the enactment of the Capital Region Development Law in 1956 which was later revised in 1965. The 'Capital Region' originally covered a radius of about 100 km. from the Tokyo Central Station, and subsequently its area was extended to include the Tokyo metropolis and the boundaries of seven adjoining prefectures. For administrative purposes, a Capital Region Development Commission has been set up with the Minister of Construction as Chairman, and four other members appointed by the prime Minister with the approval of both Houses of the Legislature. The Commission has been empowered to prepare development plans for the Capital Region and coordinate other government activities within the framework of the plans.

Conclusion : Let us now try to sum up the discussions above and see what can be learnt from foreign experiences. A consolidated picture of the governments of the four metropolitan areas is drawn in Table 3.

Table 3

Metropolitan Governments of Four Cities

Metro government (Higher-tier)	Metro Area (Sq.miles)	Metro population (in million)	Number of Lower-tier units
1. Greater London Council	640	8 (1968 figure)	33
2. Municipality of Metropolitan Toronto	240	2 (1966 figure)	6
3. District of the Region of Paris	4,670	12 (1968 figure)	8 (plus 1305 communes)
4. Tokyo Metropolitan Government	1,600	11 (1969 figure)	175 (special wards, cities, towns and villages)

Although, all the four cities have adopted basically a two-tier approach, there are some metropolitan functions which have escaped the governmental net in most places. For instance, in Greater London area, important services such as hospitals, water supply and police are not administered by either tier of the metropolitan government. Secondly, limited use of ad hoc bodies for the administration of area-wide functions seems universal. This applies as much to Greater London as to Tokyo. Thirdly, the rapid rate of urbanization has in all the areas

frequently rendered the boundaries of the metropolitan regions obsolete. One of their major problems is thus to contain metropolitan growth within certain limits with the help of a variety of policies and instruments such as regional planning, green belt, satellite towns and so on. Fourthly, in a two-tier arrangement, the division of functions between the tiers has been done mainly on the basis of the scale of operation of a function. Metropolitan area-wide functions have been entrusted to the upper tier and purely local functions have been assigned to the lower-tier units. The situation, however, demands mature understanding between the tiers as partners in a common endeavour. Often, as in the case of refuse collection and disposal, the two-tiers have to function in close collaboration with each other to complete the whole function. Also, as the case of Toronto shows, functional distribution cannot be a static thing. Relocation has to be done on the imperatives of the situation at any time in future. Last, but not least, popular participation and active involvement of diverse interests such as industry, trade and commerce in metropolitan planning and development has been emphasised in all the cities including Paris which has traditionally been known for strong central control. These are some of the important features of the metropolitan situations in the four cities that are of considerable relevance to our metropolitan areas as well.

SEMINAR
ON
"URBAN PLANNING AND DEVELOPMENT AUTHORITIES"
(March 1 - 2, 1974)

NAGPUR IMPROVEMENT TRUST

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NAGPUR IMPROVEMENT TRUST

1. Date of constitution: The Nagpur Improvement Trust is constituted on 20.2.1937.
2. Jurisdiction: The Nagpur Improvement Trust has jurisdiction over the area comprised within the limits of the Nagpur City Corporation. The area of jurisdiction can be extended beyond the city limits with the sanction of Government from time to time, by notification. The area within Corporation limits is 84 sq.miles & that under the jurisdiction of the N.I.T. is 91.14 sq. miles.
3. Population, 1971: Population of the city according to 1971 census is 8.66 lakhs.
4. Objectives: The main objective of the Nagpur Improvement Trust is improvement and expansion of the town Nagpur.
5. Organisation: This Trust has a Board of Trustees consisting of 9 members as below:-
 - a) Chairman - appointed by Government.
 - b) Chairman of the Standing Committee of the Nagpur Corporation, or while the Corporation is under suspension, the Administrator of the City appointed under the City of Nagpur Corporation Act - Ex.-Officio.

- c) The Municipal Commissioner or while the Corporation is under suspension any officer of the Corporation nominated by the Administrator - Ex-Officio.
- d) One Councillor of the Corporation elected by the Corporation.
- e) 4 persons appointed by Government of whom not less than 2 shall be non-officials residing within the city limits.
- f) A member of the Maharashtra Legislative Assembly ordinarily residing in Nagpur, elected by the Legislative Assembly from amongst its members.

Chairman is the head of the organisation. He is assisted by the Trust Engineer who is the head of the Engineering side, the Executive Officer who is the head of the Administrative side and the Chief Valuer. Under the Trust Engineer there are three Circle Engineers, one of whom is incharge of works and planning, and the third is incharge of valuation of properties to be acquired for execution of the sanctioned schemes. The area under the jurisdiction of the Trust is sub-divided into 4 divisions each of which is incharge of a Divisional Officer (Assistant Engineer). Each Divisional Officer is in-charge of several works in his division and their work is supervised by the Circle Engineers.

There is also a building department headed by the Building Engineer (Assistant Engineer) and a garden Deptt. headed by the Garden Superintendent and both of these are under the control of the Trust Engineer.

Under the Executive Officer, there are 3 departments viz. (1) Accounts Section, (2) Administrative Section and non-technical stores, and (3) Estate and Schemes Sections. The Accounts Section is headed by the Chief Accountant and the other sections by the Secretary.

There is a sub-committee called the plot Allotment Sub-Committee which consists of Chairman and four Trustees. Its function is only to recommend allotment of plots to evictees, etc. There are no other sub-committees.

The main function of the Trust is to frame and execute various types of improvement schemes mentioned in section 27 of the Nagpur Improvement Trust Act. These schemes are as under:-

- i) General Improvement Scheme.
- ii) Re-building Scheme.
- iii) Re-housing Scheme.
- iv) Street Scheme.
- v) A deferred Street Scheme.
- vi) A Development Scheme.
- vii) Housing Accommodation Scheme.
- viii) A Future Expansion or Improvement Scheme.
- ix) Drainage or Drainage including Sewage Disposal Scheme.

An Improvement scheme may combine any two or more of the types of schemes or of any special features of the schemes as mentioned above.

7. Activities:

The Maharashtra Government has framed the Maharashtra Regional & Town Planning Act, 1966. This act is also made applicable to the Nagpur Improvement Trust in addition to the Nagpur Improvement Trust Act and the Trust is declared as Planning Authority under the provisions of the Maharashtra Regional and Town Planning Act, 1966. One of the requirements of this Act of 1966 is that the Trust should within the specified period publish a development plan for the city of Nagpur. The work of preparation of the Development Plan involves extensive surveys and collection of various types of detailed data. Pending preparation of this plan, the Act also provides for preparation of an Interim Development Plan and also submitted it to Government for sanction last year. The sanction of Government is still awaited. After submission of the Interim Development Plan to the Government, the Trust prepared Draft Development Plan and published the same in December 1972. Objections were received and heard

and the entire plan with certain modifications was placed before the Board of Trustees for consideration. The Board considering that the modifications proposed required publication under the provisions of the Act, and decided to publish the same in accordance with the provisions of the Act. Action for publishing the modifications is in progress.

In addition to the above, the Trust has a number of schemes prepared under the provisions of the Nagpur Improvement Trust Act and sanctioned by Government and these schemes are under execution in several areas. The works such as roads, storm drains, underground sewers, water pipe lines, bridges and culverts, development of open spaces, canalisation of nallas, planting of Trees, etc. are in progress in several schemes. Also acquisition of number of built up properties and open fields, is going on in the Court of the Land Acquisition Officer (Collector).

8. Personnel:

The detailed information is given in para 5 organisation.

9. Finances:

The main sources of revenue of the Trust are as under:-
 i) Sale of developed sites.
 ii) Annual Ground Rent at 2% of the premium of the sites sold.

- iii) Municipal Contribution to be paid by the Municipal Corporation equal to $\frac{1}{4}$ percent per quarter of the annual rateable valuation of the buildings.
- iv) Betterment contribution.
- v) Abandonment charges.
- vi) Stamp duty on documents registered by Govt. equal to $\frac{1}{2}$ percent of the increased duty.
- vii) Interest on instalments of premium of plots at 10% P.A.
- viii) Temporary Licences of irregular pieces of sites.
- ix) Interest on securities and investments.
- x) Supervision charges generally equal to 15% of the cost of works done for private individuals and or societies etc.
- xi) Hire charges of Trust machinery.
- xii) Loans received from Government or raised in open market by issue of debentures on Government guarantee.

10. Expenditure:

The main items of expenditure are as under:-

- i). Various types of development works in the sanctioned schemes.
- ii) Acquisition of properties required for execution of the sanctioned schemes.

- iii) Expenditure on works done on behalf of societies or individuals.
- iv) Expenditure on establishment, and office expenses including Estate Management, payment of pension and gratuity.
- v) Expenditure on investigation of new schemes and planning.
- vi) Expenditure on construction of houses for the staff.
- vii) Arboriculture.
- viii) Repayment of loan instalments and interest.
- ix) Purchase and maintenance of machinery.
- x) Payment of Municipal taxes.
- xi) Payment of land revenue.

Under the Capital Expenditure, the following items of expenditure are included:-

- i) Development works.
 - ii) Investigation of new schemes and Planning.
 - iii) Development works in Slum Clearance Project.
 - iv) Construction of houses for the staff.
 - v) Arboriculture.
 - vi) Purchase of machinery.
 - vii) Repayment of loan instalments and interest for the loans taken for construction of houses under L.I.G.H. Scheme.
- A copy of the budget for the year 1973-74 is attached separately.

11. Relationship with elected bodies. : - The Trust is not directly concerned with the Legislature. The Trust however has to deal with certain matters relating to the City Corporation, particularly in the matter of handing over of roads constructed by the Trust to the Corporation for maintenance, payment of Municipal Contribution by the Corporation to the Nagpur Improvement Trust, execution of certain works by the Trust on behalf and at the request of the Corporation at Corporation's cost, etc. The Corporation at present owes to the Trust an amount to the extent of Rs. 37 lakhs on account of Municipal Contribution and works done for the Corporation on its request. In the recent years, the Corporation has not only been irregular in payment of statutory Municipal Contribution but also has failed to pay to the Trust a huge sum spent by it for Corporation works in spite of repeated requests.

12. Relationship with special purposes bodies :

In Nagpur, there is a Housing Board called the Vidarbha Housing Board functioning for many years particularly for construction of houses under Low Income Group Housing Scheme, Middle Class Income Group Housing Scheme, Backward Class Housing Scheme, Industrial Housing Scheme, etc. The Nagpur Improvement Trust has allotted and has been allotting to the Housing Board large areas mostly developed for construction of houses under its various schemes on the rates of premium fixed on-profit no-loss basis.

13. Relationship with : The Nagpur Improvement Trust comes in contact with the Collector and Commissioner of Nagpur in respect of certain matters. The Nagpur Improvement Trust is concerned with the Collectorate so far as Mazul or Govt. lands are concerned. Our Land Disposal Rules prescribe that when developed sites are to be allotted without auction, Govt's sanction for fixing the rates of premium of the plots is necessary. These powers are delegated by Govt. to the Commissioner, and when we propose to allot developed sites without auction, we have to approach the Commissioner for sanctioning the rates of premium.
14. Relationship with the Under the Nagpur Improvement Trust Act Govt. have powers of supervision and control over the affairs of the Trust. A copy of the proceedings of every meeting of the Board of Trustees is required to be submitted to the Government immediately after the same is confirmed at its subsequent meeting. Govt. have also powers of supervision under section 24(A) to 24(C) and 25 of the Nagpur Improvement Trust Act. All our Schemes framed under the Act require sanction of the State Government. Also Govt.'s permission and guarantee is required whenever we raise loans in open market by issue of debentures. Our budget is subject to confirmation by the Govt. The appointment of certain posts such as the Trust Engineer, Executive Officer and Chief Valuer and any change in the emoluments of the incumbents of these posts is subject to sanction to Govt.

15. Short note on :
the operational
problems.

The Trust has to spend huge amount of money on acquisition of lands. Execution of works starts only after getting possession of adequate land. The developed sites for disposal are available generally after two or three years after the works start. Thus the Trust has to incur a heavy expenditure in the initial stage. For this purpose this Trust has been raising loans from Govt. and elsewhere. There are certain difficulties due to which works are many times held up. The Trust has no power to receive possession of land in advance of the award and the result is that in many cases the land owners go to the Civil Courts and High Court which slows down the progress of acquisition of land and development works. Naturally therefore many times the Trust has not been able to complete development works in the sanctioned schemes in the prescribed period. The Nagpur Improvement Trust Act does not prescribe any period by which any scheme which is published should be submitted to Govt. for sanction. Also no time is prescribed by which Govt. should sanction or reject the scheme after it is submitted to it. All this takes a lot of time for sanctioning any Trust scheme.

The Nagpur Improvement Trust Act provides for abandonment of acquisition of land which is found not required for execution of the sanctioned scheme. The provision is not very clear and it can be misused. It is necessary that specific limit should be prescribed as to exactly

when and what kind of land should be abandoned from acquisition! The Act also prescribe for recovery of betterment contribution on properties which are not put under acquisition but are benefited by development works. The amount of this contribution is equal to one half of the amount by which the value of the land on the date when it is decided to assess the amount exceeds the value of the land on or immediately before the date on which the scheme was published. The act provides that this amount is recoverable only after the scheme is sufficiently advanced, that is after a period of 5 to 10 years or even more. This is not a very happy position. This Trust has not so far been able to recover any amount on account of betterment contribution in any of its schemes. In two of its schemes the Trust finalised the proposal, but the persons interested approached the High Court and the matter is still pending. The easy procedure should be to enable the Trust to recover much amount in advance on the basis of estimates of income and expenditure which are submitted to Govt. along with the scheme for sanction.

The Trust has so far drawn a total loan of Rs 237 lakhs approximately. Out of this the loan drawn from Govt. amounts to Rs.112.50 lakhs, loan drawn from L.I.C. Rs.18.50 lakhs, Rs. 22 lakhs drawn from the Housing Board for L.I.G. Scheme, and Rs.124.50 lakhs raised in open market by issue of debentures on Govt. guarantee. The loan liability as outstanding on 31-3-1973 amounts to Rs.195.55 lakhs. The rate of interest charged on these loans varies from 4 to 6%. As no

Improvement Trust can function without drawing loans and because the Improvement Trust executes the schemes for public purposes, the Govt. and other agencies, in public interest, should charge on such loans a nominal rate of interest so that the cost of execution of the schemes could be reduced.

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SEMINAR
ON

"URBAN PLANNING AND DEVELOPMENT AUTHORITY"
(March 1 - 2, 1974)

ORGANISING A METROPOLITAN
DEVELOPMENT PROGRAMME:
THE CALCUTTA CASE

By

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ORGANISING A METROPOLITAN DEVELOPMENT
PROGRAMME: THE CALCUTTA CASE.

By:

- K.C.Sivaramakrishnan

1. Introduction:

It is over 18 months since the CMDA was set up. To-day all over the Calcutta Metropolitan District there are signs of a change for the better. Work is progressing on diverse fronts like Water Supply, Sewerage & Drainage, Traffic & Transportation, Garbage Removal & Disposal, Housing, Social Services etc. Nearly 120 different projects with outlays varying 5 to 50 lakhs rupees are in operation. Where annual performance on capital works used to be less than Rs.4 crores it has been established that utilisation can be 10 times more. The same Agencies which languished under a long spell of inactivity are being spurred to give a better account of themselves with better organisational inputs and consistent flow of funds. Planning at the Metropolitan level as also the area and project level have once again become relevant. In a City where only 3 years ago people regarded any kind of improvements as a far cry, current debates are on assessing the works done and how they can be quicker and better. These are changes which though not visible in all cases, are crucial and significant. To a large measure the Calcutta Metropolitan Development Authority has been instrumental for this changed situation.

2. Background to the CMDA:

2.1: The Basic Development Plan and After: The Calcutta Metropolitan Planning Organisation had been set up in 1961 in the wake of the W.H.O. Mission's report on the need for a massive environmental improvement programme for the Calcutta Metropolitan Area which after the 1958 epidemic had come to be regarded as one of the capitals of endemic cholera in south-east Asia. After five years of painstaking research and surveys CMPO

brought forth the Basic Development Plan for the Calcutta Metropolitan District 1966-1986. The functional Master Plan for Water Supply Sewerage and Drainage had been completed earlier and another functional plan for Traffic & Transportation followed. In essence, the Basic Development Plan was not a land-use plan or a Master Plan for zoning and subdivision. It was more an identification of the massive deficiencies in the infrastructure of the Metropolitan District which had assumed a crippling effect on its economy and growth. One of the first tasks, therefore, was to arrest further deterioration and towards this the BDP had incorporated the "1965 Memorandum" a document submitted to Government of India which had identified projects prepared or assembled by the CMPO at an estimated cost of Rs.100 crores to be taken up during the Fourth Plan period. The State Plan Memorandum 1966-1971 provided Rs.30 crores and urged the Centre to provide the balance. But the start of the Fourth Plan itself was delayed until 1969-70 when the size of the State Plan was determined at about Rs.322 crores. Out of this, the provision for the development projects in the Calcutta Metropolitan Area was Rs.42.88 crores. The sector-wise break-up is as follows:-

<u>Name of the Sector</u>	<u>Number of Projects</u>	<u>Fourth 5-Year Plan - Total Outlay</u>
1. Water Supply	14	1,095.91
2. Sewerage and Drainage	16	1,499.69
3. Traffic and Transportation	14	1,216.38
4. Garbage Disposal	1	32.77
5. Bustee Acquisition clearance & re-development and Housing	2	404.85
6. Other Schemes	1	39.31
	<hr/> 48 <hr/>	<hr/> 4,288.91 <hr/>

2.2.: Position in 1969-70:

Though the provision of Rs.43 crores in the State Plan was a modest figure compared to the needs, it marked the beginning of the recognition that the problems of Calcutta's development should be viewed separately and the financial provision for the development projects should not be a derivation or distribution from departmental outlays. While a separate funding arrangement for Calcutta's development had not been accepted the need for a separate programme was recognised. During the 1st year of the Fourth Plan period i.e. 1969-70, about 20 different projects, i.e., mainly those spilling over from the Third Plan period were in operation and at the end of the year the expenditure was Rs.3.14 crores only.

2.3: It is worth mentioning in this regard that the period between 1966 and 1970 i.e. the end of the Third Plan and commencement of the Fourth Plan also coincided with a period of political instability, recession in industry, and deterioration in the law and order situation in West Bengal. In this short span of time West Bengal went through two United Front Governments and two spells of the President's Rule. Some fitful attempts were made by all these four Governments made to work out some kind of an independent financing arrangement for Calcutta's development. At one stage there was even a proposal to set up a non-profit making Corporation by Business and Industry jointly with the Government to raise funds. However, all these attempts were not pursued with consistency and so at the end of the 1st year of the Fourth Five-Year Plan the position remained much the same.

2.4: It was evident that to make any kind of meaningful impact on the serious infrastructure situation, the investments will have to be much larger than Rs.43 crores. In the middle of 1970, a clear mandate for Calcutta's development became available at the instance of the Prime Minister. The then Union Cabinet Secretary Shri B. Sivaraman held a series

of discussions at Calcutta with Late B.B. Ghosh, then Principal Adviser to the Governor and the Officials of the State Government, Engineering Directorates, C.M.P.O etc., concerned with the programme. The Secretary, Planning Commission also made an assessment of the state of readiness of the various projects proposed to be taken up as part of the larger development programme. As a result of all these, what is now known as the Rs.150-crore programme for the Calcutta Metropolitan Area was put together. In essence the programme was an enhancement from the Fourth Plan provision of Rs.42.88 crores and the enhancement was done by adding additional projects to the programme as also by increasing the financing provision to many of the 48 projects mentioned in para 2.1 above by adding to them a non-Plan component.

2.5: How to find the additional Rs.107 crores was the next question? It was felt that the State Plan provision apart, there should be a further effort locally to mobilise resources. Accordingly it was decided to introduce a tax on the entry of goods into the Calcutta Metropolitan District (Octroi). The tax was to be collected by the State Government itself and after meeting the collection charges half the proceeds would be credited to a special fund for Calcutta's development. Since traditionally Octroi had been a Municipal levy and as the Calcutta Corporation and different Municipalities in the Metropolitan District had considerable revenue and maintenance deficits the other half was to be distributed among them on population basis. In pursuance of these decisions, two Bills were drafted and passed as President's Acts. The first was the Calcutta Metropolitan Development Act (President's Act 17 of 1970) enacted in July 1970 and the other was the Taxes on Entry of Goods into the Calcutta Metropolitan Area Act in August, 1970.

2.6: The Entry Tax was introduced in November 1970. It was anticipated that to begin with, the Entry Tax would yield about Rs.10 crores annually. This anticipation was established by the fact that for a period of less than 5 months from November 1970 to March 1971 the actuals exceeded Rs.3 crores.

Assuming that during the Fourth Plan period the entry Tax would yield Rs.10 crores annually, Rs.5 crores would be available to the Calcutta Metropolitan Development Fund Authority could embark on substantial 5 crores the Metropolitan Development Authority could embark on substantial Market Borrowings. This could be of the order of 7 to 8 crores per financial year.

2.7: In addition, the Central Government also agreed to provide a Special Loan of Rs.5 crores annually commencing from 1970-71. Apart from the Special Loan in October 1970 the Central Government also agreed to make available during the Fourth Plan period a grant of Rs.8 crores for the Bustee Improvement Programme. Upon all these considerations, at the commencement of the CMDA programme the resources identified for the Fourth Plan period was as follows:

- From State Plan	...	42.88	crores
- From Market Borrowings..	30.00	"	
- Savings from Entry Tax ..	12.00	"	
- Special Central Loan ...	20.00	"	
- Grant for Bustee Improvement Programme...	8.00	"	

Total... 112.88 crores

This was a very tentative identification of the resources and it was decided that the programme should commence on this basis and the resources position would be reviewed in the light of the progress of work from time to time. There was also a tacit assumption that once the programme got going on a large enough scale it might be possible to obtain external assistance as well.

2.8: The resources raised so far and utilised under the programme is as follows:

- 1969-70 (before CMDA; part of Fourth Plan Programmes)	...	3.14	crores
- 1970-71	...	10.52	"
- 1971-72	...	37.83	"
Total	...	<u>51.49</u>	crores

3. The CMDA is born:

3.1: Under the provisions of the CMDA Act 1970 the Authority's jurisdiction covers the Calcutta Metropolitan District which had been delineated by the CMPO earlier on the basis of certain physical and economic criteria and which has been incorporated into the Calcutta Metropolitan Planning Area so delineated covers 532 sq. miles and according to the 1971 Census a population of 8.5 million. Administratively the CMDA consists of 3 Corporations (Calcutta, Howrah and Chandernagar), 31 Municipalities, 63 non-Municipal Urban Units and 116 semi-Urban Anchal Panchayats. It is this administrative fragmentation that renders the Calcutta Metropolitan District unique.

3.2: Under Section 4 of the Act the Metropolitan Authority consists of the Chief Minister (or a nominee of the State Government in case there is no council of Ministers) as the Chairman, three officials viz. the Development & Planning Commissioner, the Financial Commissioner and the Town & Country Planning Commissioner, and three non-officials of whom one is to be a Councillor of the Corporation of Calcutta and the other two shall be persons elected as Commissioners of any Municipality within the Calcutta Metropolitan Area. Since at the time there was no council of Ministers Late B.B. Ghosh then Principal Adviser to the Governor was appointed as the Chairman.

3.3: Under Section 15 of the Act the Metropolitan Authority is responsible for -

- (a) the formulation, subject to the approval of the State Government, of plans for the development of the Calcutta Metropolitan Area or such part thereof as it may think fit;
- (b) the co-ordination of the execution of plans, approved by the State Government, for the development of any area within the Calcutta Metropolitan Area;
- (c) the supervision of the execution of any project for the development of any area within the Calcutta Metropolitan Area, the expenses of the whole or any part of which are met from its funds; and
- (d) the financing and execution of any project in any plan for the development of the Calcutta Metropolitan Area or any part thereof.

In this context 2 questions that the Authority had to resolve first was who will make the plans and who will execute them? As regards plan preparation, since the CMPO had been engaged in the work from 1961 it was decided the CMDA would rely on the CMPO for this work and would not duplicate any planning arrangements at the Metropolitan level within itself. Furthermore, since under Section 15(1)(a) the approval of the State Government was involved and -----

as the CMPC was a Directorate of the State Government functioning under the Town & Country Planning Department it was felt reliance on the CMPO for plan formulation would be advantageous. As regards execution there were two options open before the Authority; one was for the Authority itself to set up an engineering organisation large enough for the programme; the other was to press the various Engineering Directorates of the State Government, Statutory Bodies and Local Authorities into use. The Authority decided to adopt the latter course for the following reasons :

- (i) The 150-crore programme was a multi-point programme covering different sectors like Water Supply, Sewerage & Drainage, Traffic & Transportation, Housing etc. calling for different kinds of expertise. Traditionally such works had been handled by different engineering bodies of the State Government. For instance the Irrigation & Waterways Directorate was concerned with drainage arteries, the Public Health Engineering Directorate with Water Supply systems, the Public Works (Roads) Directorate with Highways and so on.
- (ii) Many of the projects included in the 150-crore programme had been prepared by some of these agencies themselves and it would facilitate execution if the work was given to them.
- (iii) In many cases the works constituted improvements to the properties owned and/or maintained by different agencies and it would be of advantage if the same agencies carried out capital works as well.
- (iv) Most of the agencies claimed that their existing organisational strength was not being utilised due to lack of funds and it would be a waste of resources if the CMDA were to set up a separate organisation.

3.4: There are, as a result, 52 implementing agencies for the CMDA programme. Ten of these are State Government Directorates such as Irrigation & Waterways, Public Health Engineering, Public Works (Roads), Housing, Health, Education etc. Nine are Statutory Bodies such as the Calcutta Improvement Trust, Howrah Improvement Trust, the Calcutta Metropolitan Water & Sanitation Authority, Calcutta State Transport, Calcutta Tramways etc. The rest are Local Authorities i.e. the Calcutta Corporation, Howrah Municipality and other Municipalities. The distribution of work or assignment of projects among the implementing agencies was generally on a functional basis with due consideration to the expertise and background of each organisation.

3.5: There was, however, one programme which none of the implementing agencies had handled in the past i.e. Bustee or Slum Improvement. When the 150-crore programme was decided upon in mid '70, the Bustee Improvement Programme had not formed part of it. The Basic Development Plan had estimated that in Calcutta and Howrah alone there were over 10 lakhs bustee dwellers and had agreed that pending replacement of slums by pucca housing which must be the ultimate goal the environment of the Bustees should be improved in the first instance. On a rough estimate it was calculated that minimum improvements to the Bustee environs will cost about Rs. 100/- per capita and on this basis a Rs.10-crore programme would be necessary in Calcutta and Howrah alone. Late in 1970 the Centre agreed to provide a special grant of Rs. 8 crores for this programme, and desired that work be taken up in all the slums simultaneously. While the CIT, the Calcutta Corporation and the Housing Directorate had worked in the slum areas earlier this was mainly in the context of slum removal and re-housing. The CMDA, therefore, decided to set up an engineering organisation of its own to carry out the bulk of the Bustee Improvement Programme.

4. The organisation of the CMDA :

4.1: In keeping with the decision to execute the programme mainly through implementing agencies the initial organisational set up of the CMDA was based on the concept that it would be a resource raising, project sanctioning, co-ordinating, supervising and common service organisation. The Administrative Staff College, Hyderabad was invited to assist in the evolving of a suitable organisational set up for the CMDA. The present organisational set up of the CMDA is based on their recommendations.

4.2 : The set up can be viewed broadly in the following levels/activity categories :

- The Board i.e. the Authority itself which takes all policy decisions regarding the programme, approves the budget, authorises sanction to projects;
- The Secretary who functions as the principal executive of the Organisation and reports to the Board assisted by Administrative staff;
- The programme co-ordination units which are arranged sectorally and are headed by Special Engineers or Programme Administrators who are usually of the rank of Senior Superintending Engineers;
- The common service units such as Finance and Accounts, Purchase and Stores, Land Acquisition, and Information and Public Relations;
- The Bustee Improvement Organisation functioning more or less as a self-contained wing for the Bustee Improvement and allied works; and
- The Municipal and Anchal Development Wing which also functions as a self-contained unit dealing with CMDA sponsored schemes in the municipal areas and other fringes.

4.3 : So far as the State Government itself is concerned, under the provisions of the CMDA Act it constitutes the Authority, approves the development plans, comments on the budget and prescribes rules for the working of the Authority. In the State Government the Development & Planning (Town & Country Planning) Department is the Administrative Department for CMDA. It is also the Administrative Department for the CMPO and for the Calcutta Development Programme as such. The Commissioner, Town and Country Planning who is the Head of this Department is also the Vice-Chairman in the CMDA. As the Director, CMPC functions under the control of the Commissioner, Town & Country Planning and the Secretary, CMDA also reports to the Commissioner T&CP in his capacity as Vice-Chairman, a close relationship between the CMPO and CMDA is envisaged in the arrangement. So far as the implementing agencies are concerned, though they function under the administrative control of various Departments of the State Government, on a day to day basis they deal directly with the CMDA. Where departmental intervention or initiative is required, in the first instance the CMDA itself takes up the matter with the concerned Department, supported later on by the Development & Planning (T&CP) Department if necessary. An organisational chart depicting the disposition of the various units of the CMDA vis-a-vis the implementing agencies and the State Government may be seen at annexure 'A'. The Bio-data of the key personnel in the CMDA may be seen at annexure 'B'.

5. The progress of work :

5.1 : As mentioned in the introductory paragraph the massive programmes sponsored by the CMDA comprises at present nearly 120 different projects of varying size and scope. The sectoral distribution of the Fourth Plan programme is as follows :

• Water Supply	26 projects	-	Rs. 29.62	crores
• Sewerage & Drainage	56 projects	-	40.78	"
• Garbage Disposal	4 projects	-	4.83	"
• Environmental Hygiene	7 projects	-	7.15	"
• Traffic & Transportation	26 projects	-	35.05	"
• " (other schemes : (State Transport & Tramway)	2 projects	-	14.69	"
• Special Projects(Health,	4 projects	-	12.20	"
• Housing & New Area Development		-	17.58	"
• Bustee Improvement		-	10.00	"
• Organisational, debt servicing & other expenses		-	5.76	"
	Total	-	Rs.172.85	crores

5.2 : While the outlay of Rs. 172.85 crores indicates the volume of work on hand in keeping with the resources the actual expenditure is likely to be restricted to Rs. 150 crores. It should also be noted that the total number of projects (116 now) is a listing of the main projects only. There are many projects which are in fact clusters of numerous sub-projects or schemes. For instance, WS-007 New Water Supply Projects in Calcutta Corporation Area consists of over 20 different schemes. Similarly TT-020 Traffic Operations Improvement presently comprises over a dozen improvement schemes and more schemes are being added. If a separate physical location and separate identity of the work involved are considered the number of projects/schemes now in operation will exceed 300.

5.3 : One of the main factors which made it possible for performance levels to be enhanced three times in 1970-71 after setting up of the CMDA and ten times in 1971-72 is this that a very large number of projects/schemes had been initiated by the CMPO much earlier and could, therefore, be taken up for implementations straightaway. The simultaneous assignments of these projects to several implementing agencies was a calculated risk no doubt considering their past performances but this seemed the best way to get the programme going on a scale adequate to make an impression on the scene.

5.4 : The common service functions taken up by the CMDA proved to be of great value in sustaining such a large programme. For instance, the Purchase & Stores Wing of the CMDA within a very short time could organise procurement and distribution of scarce materials such as steel, cement, asphalt, stone metal and chips etc. during 1971-72 the volume of work handled was about Rs. 3.6 crores and during the current year 1972-73 the volume is likely to go upto Rs. 5 crores. To cite some indices during 1971-72 the central Purchase & Stores Wing handled about 11,000 tons of steel, 25,000 tons of cement, 15,000 tons of asphalt and organised the movement of about 18,000 wagons. This volume is likely to be doubled during 1972-73.

5.5 : Like the central Purchase & Stores Wing, the Land Acquisition unit and the Information & Public Relations unit in the CMDA have also stepped up their common service functions to the implementing agencies. The Land Acquisition unit acts mainly as a chaser while the acquisition proposals are initiated by the agencies concerned. As regards Information & Public Relations the CMDA was the first organisation in this area to adopt a multi-media approach and organise a mass-communication programme through Radio Broadcasts, Sponsored Programmes, Films, Press Advertisements, Direct Mailing of Informative Pamphlets, Exhibition and local publicity campaigns. Thanks to this campaign it has been possible to establish the image of the CMDA within a short time as the rallying point for the re-generation of the metropolis.

6. Certain operational features

6.1 : As the organisation responsible for administering the Calcutta Metropolitan Development Fund the CMDA had to evolve a suitable procedure for formulation, scrutiny and sanction of the various projects. Initially there was reliance on the various Codes governing public works as such, but soon after it was felt that the existing procedure required a modification in order to expedite the pace of work. After a

series of discussions with the implementing agencies and the State Government a detailed procedure was determined by the CMDA for formulation, sanction and execution of the projects and schemes sponsored under the CMDA programme. Since there were many State Government bodies among the implementing agencies of the CMDA it was decided to issue this revised procedure in the shape of a Government Order itself. This revised procedure has been framed with the following objectives :

- to provide for the participation of the State and the Central Government in the determination of the annual programme of the CMDA;
- to ensure that the projects submitted to the Authority for sanction are in conformity with the objectives and standards of the overall metropolitan plan;
- to assess satisfactorily the state of readiness of the projects for execution; and
- to enhance the powers of the Engineering Officers in matters of tender invitation and acceptance and substitute the CMDA for the State Govt. in dealing with the cases of variation.

6.2 : Some of the salient features of the revised procedure are the provisions for the scrutiny of estimates through different committees for different values of works, the vetting of tender documents and the setting up of the Tender Committees in the CMDA to dispose of cases of variation. While it is too early to assess the impact of revised procedure which has been introduced only in March this year, on the whole it has tended to streamline the procedural aspects of the CMDA programme.

6.3 : The concept of operating a large scale multi-sectoral programme through Implementing Agencies presumes that the Implementing Agencies subject to the limits of the sanction, would be free to execute the project as best as they could. The technical responsibility for the project would, in essence, be that of the Implementing Agency. However, since the CMDA is to raise the resources and provide the funds to the Implementing Agencies it has had to develop a suitable information system to ascertain the progress of execution. By and large, this is sought to be done through monthly and quarterly progress reports which are furnished by the implementing agencies, project-wise. The release of funds is contingent upon the assessment of these progress reports. Apart from this a high power Government of India Review Team headed by the Union Health Secretary and comprising the representatives of the Planning Commission and the various Central Ministries concerned with the C.M.D.A programmes such as Housing, Transport, Finance, Home, Railways etc. also visits Calcutta periodically, atleast once in a quarter, to assess the progress of the work. Apart from the physical and financial progress of the various projects the meetings of the Review Team have also been useful in assessing the performance of the various implementing agencies. In addition, CMDA has recently made arrangements for evaluation of some selected projects through its own Technical Adviser and two other ex-Chief Engineers of repute on a part-time basis.

7. Certain organisational issues to be resolved:

7.1 : The present Development Programme for the Calcutta Metropolitan District is perhaps one of the largest Urban Rescue Programmes undertaken anywhere. In terms of outlay it has not been matched any time in the past. While a start has been made on a scale never as wide before, it should also be recognised that this is only a start and if tangible results are to be achieved what has been started has to continue on the same or possibly larger scale. It is here that certain organisational issues become very pertinent.

7.2 : The first of these issues concerns the relationship between the CMDA and the CMPD. The background to the CMPD has been described in para 2.1 above. The Basic Development Plan published by the CMPD in 1966 was only a document of broad strategy which identified the major deficits in the infrastructure presented the future needs and indicated the broad priorities for action. While Master Plans as such are available for Water Supply and Sanitation as also Traffic & Transportation these are also broad outlines only. A land-use or a spatial plan for the metropolitan area is yet to be done at area levels. In fields like Housing and Social Services i.e. Health, Education etc. preparation of even outline plans for the metropolitan area as such have commenced only now. In addition there is the compelling need to plan the renewal of several parts of the metro-core itself comprising Calcutta, Howrah and its immediately adjoining areas.

It was expected that the CMPO would take up these activities after 1966 following the publication of BDP. However, the fruitless discussions between 1966 and 1970 which could not find any resources for implementing even the minimum infrastructure programmes advocated in the BDP, caused a deep set back to CMPO's morale. Planning in such an atmosphere became somewhat irrelevant. With the commencement of the large scale CMDA programme the planning activities of the CMPO have assumed importance once again. Apart from the metropolitan planning level there is now also the urgent need to organise project planning at an adequate level. The question is how these activities should be organised and where they should be located?

7.3: The setting up of a State Planning Board recently has introduced a further element for consideration in this regard. Historically the CMPO has been involved apart from metropolitan planning activities with questions of State and Regional Planning as well and over a period of time the professional expertise available in the CMPO has come to cover such diverse fields as Regional Planning, Industrial Economics, Demography, Fiscal and Legal Studies, Sociology, Land Planning, Architecture, Housing, Municipal Engineering etc. Some proposals have been submitted recently for the State Government's consideration suggesting that in the changed context of a State Planning Board and a Metropolitan Development Authority for Calcutta it is needless to have the CMPO continue as an independent organisation. It has been suggested instead that the State and the Regional Planning expertise could be attached to the State Planning Board and the Metropolitan Planning expertise could be located within the CMDA. The resolution of this question is most important in the interest of continuing the Metropolitan Development Programme.

7.4: As regards project level planning while the CMPO had initiated a number of individual projects based on the Master Plan recommendations, in many cases these were project outlays only and the details have been left to be worked out by the implementing agency concerned. Traditionally engineering units of the State Government or the Statutory Authorities have

included small Design Cells within themselves, but compared to the present needs of the CMDA programme these Design Cells have become quite inadequate. Generally in the formulation and execution of public works, Government Agencies have tended to draw upon their internal resources only. Though Calcutta can boast of a number of Consulting Engineering firms, in the past their work has been mainly with industry. To augment these design resources the CMDA has resorted to the increasing use of consultancy firms. Early in 1971 a panel of suitable consulting firms in three broad categories viz. Municipal Engineering, Traffic and Transportation Engineering, and Housing (Architectural and Structural) was prepared. The CMDA is now in a position either to make available the services of these Consultants to implementing agencies or engage them itself for drawing up detailed projects before entrusting them for execution to others. The CMDA is probably the first organisation in this area to make use of Consultants for public works in this manner.

7.5: While at the commencement of the programme it was felt necessary to press a large number of implementing agencies into service it is becoming increasingly evident that multiplicity of implementing units do not necessarily promote speed or efficiency. One of the reasons why the CMDA decided to entrust the programme execution to numerous implementing agencies in the beginning was because of their claim that their existing manpower was not being utilised for lack of funds and it would be waste of resources if CMDA is to set up a parallel organisation of its own. However, during these 1½ years it is seen that the so called "cushion" in respect of most of the implementing agencies has disappeared and each has acquired additional staff with CMDA work as the justification. Late in 1971 the State Governor decided that such additions to staff would be allowed provided each of the implementing agencies would constitute an identifiable Cell, Branch or a Wing to deal exclusively with CMDA works. This was intended as a first step towards an identifiable executive organisation for the CMDA programme. Some of the implementing agencies like PWD, PW(Roads), Public Health Engineering,

I&W, Calcutta Corporation etc. have set up such identifiable CMDA Cells or Branches. CMDA has been proposing for quite some time that these identifiable units may very well pass under the control of the CMDA itself. A decision in this regard is yet to be taken.

7.6: In the meantime the problems of co-ordination for the CMDA are multiplying. The Special Engineers intended to be the principal co-ordinators and Liaison Officers are being increasingly drawn into the day to day problems of the implementing agencies; the more the Special Engineers chase the progress of a particular scheme, the more they get involved. There has also been a tendency among the implementing agencies to rely on the CMDA to resolve all inter-agency problems. While there is nothing objectionable in this 'per se', the effectiveness of the CMDA's co-ordination depends on the disposition of the implementing agencies to adhere by CMDA's views. While by and large it has been possible for the CMDA to perform this co-ordinating function it has been a very strenuous business and one would wish that the line of command from the CMDA to the implementing agencies was more direct.

7.7: The size of the current Metropolitan Development Programme has been emphasized earlier. This is probably the first time in many decades that the various engineering units are being called upon to shoulder such a large scale programme of works. The conditions of work are by no means easy. There are acute material shortages and difficult site conditions to be faced. This situation is not exclusive to West Bengal and will persist in the country as a whole for quite some time. Project Management, therefore, assumes critical significance. Techniques of Material Management, network Analysis, Modern Methods of time scheduling such as PERT and CPM etc. will have to be applied increasingly. If Senior Assistant Engineers and Executive Engineers can be regarded as middle line executives, in the CMDA programme the number will be around 500. Most of these people have had no opportunity at all to be acquainted with this Modern Management techniques. The tradition of public works has been to stock-pile

materials and operate in free 'rights of way'. One of the major problems encountered in the programme is raising the performance level of the middle line executives. The CMDA has tried to organise a few Training Sessions in this regard, but these have been sporadic in nature and fleeting in impact. As the Union Planning Minister emphasized during his visit to CMDA, a Personnel Development Programme based on present and future needs is of utmost importance. Unfortunately the Management Expertise available in the existing Management Training Institutions in the country relate mainly to Trade and Industry and are not readily transferrable to urban management problems. In collaboration with the CMPO and the Ford Foundation Planning Advisory Group the CMDA is now trying to outline a Personnel Development Programme.

8. Local Authority frame work:

8.1: One of the major unresolved questions about the CMDA programme is the Local Authority frame work in the metropolitan area. As mentioned in para 3.1 the metropolitan area is already fragmented into 97 different urban units apart from the semi-urban areas. None of these existing units have a satisfactory tax base. Per capita taxation in the Calcutta Corporation area is about Rs. 30/- compared to Rs. 50/- in Bombay. For the other municipal units of the metropolitan area the per capita taxation varies between Rs. 5 and 10/-. Almost all the Municipalities are plagued by revenue deficits and the meagre tax resources are more or less taken up by establishment expenses. It has been estimated that at the present level of capital expenditure under the CMDA programme the Local Authorities will be faced within an annual resource gap of Rs. 3 crores on account of maintenance which in the absence of any other sources will have to come from the CMDA itself or the State Exchequer. In either case the absence of resources for maintenance would inevitably under-mine the capital development programme itself. While it is true that the Calcutta Development Programme has been initiated more on grounds of rescue and recovery its continuation over a period of time will depend initially on the ability of the metropolitan area to mobilise resources on its

own. Whether in the developed or the developing world the costs of urbanisation are the same. Schemes like Bustee Improvement are not measures of low cost urbanisation, but are only temporary expedients. The basic question, therefore remains 'Can the City amortise the costs of its development?'

8.2: In the case of Calcutta it has already been established that the existing municipal units are not in a position to participate as such in the resources aspect of the development programme. Dra-
stic reforms concerning the tax aspects only, is not going to help unless we are willing to look into the physical and geographical aspects as well. The boundaries of the existing municipal units have evolved partly by accident and partly by design and during the past 20 years there has been very little effort to realign the municipal boundaries in keeping with the population growth and urbanisation. For instance between 1961-1971 the urban population in the Metropolitan District grew by 23.6% and the number of urban units increased from 76 to 97. Yet the number of municipal units as such have remained at 34. In fact, the bulk of the increase has taken place in the non-municipal urban units immediately adjoining the existing municipal limits.

8.3: In the Basic Development Plan the CMPO recommended that the existing municipal units should be re-aligned into 6 or 7 groups, each to be made into a Corporation. At the metropolitan level the Basic Development Plan suggested a series of functional authorities for Water Supply and Sanitation, Traffic & Transportation, Parks & Playgrounds, Schools etc. The CMPO itself was to become the Metropolitan Planning Authority responsible for capital budgeting, policy formulation, planning co-ordination etc. With the setting up of the Calcutta Metropolitan Development Authority the position at the metropolitan level has changed. It is conceivable now for the CMDA itself to perform the role of the functional authorities as also the Metropolitan Planning Authority proposed earlier. The Basic Development Plan, however, left the question of Local Self Government at the metropolitan level untouched.

8.4: Any re-organisation of the Local Authority frame work in the metropolitan area has to consider the following:

- It must provide for those functions which are essentially metropolitan in scope and nature to be performed at the metropolitan level;
- Having identified the metropolitan functions it should provide for the local level functions to be discharged at the local level;
- It should provide for a tax structure that is capable of mooping up the benefits of urbanisation;
- The frame work should be consistent with the constitutional numbers of Local Self Government;
- In the case of Calcutta Metropolitan District because of its preponderance in the State economy and population it should also provide for participation of the State Government as well in metropolitan affairs.

8.5: Assuming that the existing fragmented situation is untanable 'prima facie', 3 alternatives appear to be available for a new Local Authority frame work. One could be to re-adjust the boundaries of the existing municipal units and merge them into 6 or 7 groups. The Calcutta Corporation's boundaries could also be enlarged to include adjoining areas like Jadavpur, Behala etc. Under this arrangement there would be 7 or 8 Local Authority formations in the Metropolitan District each functioning as a Corporation. The principal danger in this arrangement, obviously, is whether 7 or 8 fairly powerful formations would allow a metropolitan view to persist thereafter.

8.6: The second alternative could be a single-tier arrangement for the entire metropolitan area. For instance the entire Greater Bombay area is under one Corporation. It is a moot question whether all of the Calcutta Metropolitan District covering over 500 sq. miles could be brought under one City Governor and if so what would be the City Government's

relationship with the State Government. It is pertinent to note here that at present the Metropolitan District has about 80 seats in the State Assembly of 280. Another alternative could be a two-tier arrangement with a Metropolitan Councillor at the top performing metropolitan functions and a series of Borough Counsels at the second level performing local functions. The composition of the Metropolitan Council could be based partly on elected representatives from the Borough Councils, partly from the Members of the State Legislature and partly of State nominees. This arrangement would be similar to the one obtaining in the Greater London area.

8.7: Though Calcutta is among the first 6 populous cities on earth it is not among the oldest. London and Paris were flourishing and New York was already taken shape when Charnock cast anchor at Kalikata. In that sense Calcutta is a contemporary city with all the problems of the contemporary urban world. In its Port, Commerce and Industry Calcutta has a world outlook. Its Business District is called upon to perform the same functions as any other metropolis. Its problems with the hinterland are of the same nature as found elsewhere in the developing world. While the present development programme marks the beginning of a major effort to meet the physical obsolescence, its continuation and success are entirely dependant on the organisational frame work which will sustain this programme. It has already been demonstrated that money can start the programme and the programme can mark the beginning of a change. What is at stake is the potentiality of the institutions that are charged with sustaining this change.

SEMINAR

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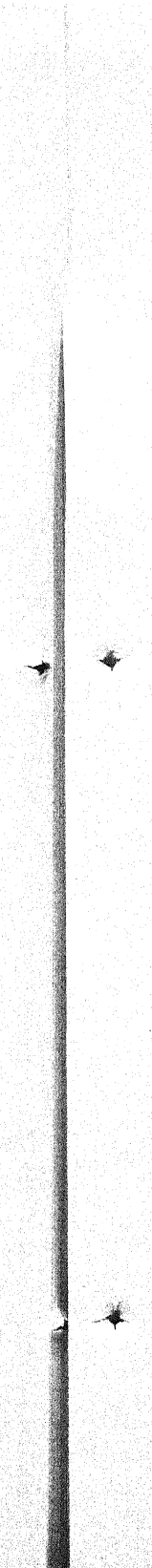
"MUNICIPAL BUDGETARY REFORM"

(March 5 - 6, 1974)

PATNA IMPROVEMENT TRUST

A note on its working

Centre for Training & Research in Municipal Administration
THE INDIAN INSTITUTE OF PUBLIC ADMINISTRATION (NEW DELHI).



PATNA IMPROVEMENT TRUST

A note on its working

The Patna Improvement Trust was set up on 17th June, 1952 under the Provision of the Bihar Town Planning & Improvement Trust Act, 1951.

It has a jurisdiction over 33.80 square miles.

Within the operational area it had a population of about 4.2 lacs as per 1971 Census.

Objectives :

The main objective of the Trust is to re-build this historic City of Patna in accordance with the Master Plan prepared by it. This includes :

- a) Removal of over-crowding
- b) Clearance of slums and Urban obsolescences
- c) Planned urban expansion
- d) Reclamation of low-lying and waste areas
- e) Segregation of industrial area from residential area
- f) Provision for an integrated road system
- g) Provision for an integrated water supply system
- h) Provision for an integrated drainage and sewerage system
- i) Provision for metropolitan green belt
- j) Provision for open spaces in built-up areas
- k) Development of residential areas on neighbourhood principles
- l) Reservation of suitable areas for various community needs ; and
- m) Utilization of natural amenities.

Organisation :

The Trust was formed as a Corporate body and composed of a whole-time Chairman, for which post an I.A.S. Officer is deputed by the State Government from time to time. A Board of Trustees was formed consisting of 4 persons representing the various urban interests of Patna nominated by the State Government - Mayor of the Patna Municipal Corporation (or the Administrator when under supersession), Director of Public Health, Chief Engineer of the Public Health Engineering Department, Chief Town Planner of the State Govt. and two persons elected by Municipal Corporation. For its internal administration, senior officers manning the Trust are - the Chairman, a Secretary General, and a Secretary(Accounts), who are officers deputed by the State Government.

From time to time, the Trust appointed Committee and Sub-Committees composed from amongst the Members i.e. the Land Disposal Committee, the Tender Sub-Committee etc.

The Trust has two distinctive wings - The Administrative and the Engineering.

The Administrative wing has several functional sections e.g. Establishment, Accounts, Revenue, Estate and Legal, etc.

The Engineering wing has 3 functional divisions each manned by an Executive Engineer besides overall control by Chief Engineer who has a full-fledged establishment.

The staff for engineering works in the field consists of 10 Assistant Engineers, 37 Overseers, a number of draftsmen, mechanic, operators, helpers, surveyors, amins, drivers, khalasis, mates and chaukidars, Civic Surveyors and Enumerators etc.

Functions & Activities :

The Trust is charged with development and improvement of the City of Patna. Subject to the control of the State Government, the Trust had to prepare a Master Plan and to frame improvement schemes within the framework of the Master Plan.

The Trust has framed a Master Plan and the State Government has approved the same. Now, in accordance with the imperatives laid down in the Master Plan, the Trust frames improvement and development schemes and implement such schemes after approval of Government and on availability of funds.

The Trust has currently taken up repairs of City roads, Storm Drainage and sewerage schemes, construction of Electric Crematorium, Low Income Group and Middle Income Group Housing Schemes financed by HUDCO. A large number of Slum Improvement Schemes are to be taken up shortly.

Finances :

The sources of the Trust's finances are (i) an amount of equal to 2% of the Stamp Duty levied on the transfer of immovable properties within the area of the Trust, (ii) an annual contribution of 1 lac by State Govt. to be paid on the 1st April each year and (iii) a Quarterly contribution

valuation of the Corporation. It also has powers to borrow money from the market and banks for specific purposes of capital expenditure. Loans have been received from the State and Central Governments for specific capital purposes. Besides these, the Trust's potential sources of income are profits from the sale of developed building sites, the sale and renting of constructed buildings and the supervision charges 10% of the capital outlay of the schemes.

Recovery of betterment levy from those benefitting from Trust's schemes is another important source of income. However, this levy has not been sanctioned yet by the State Government.

Trust's funds are spent on the following main heads :

Engineering works of various schemes:-

- a) Drainage & sewerage
- b) Roads
- c) Development of Housing colonies
- d) Water supply
- e) Street lighting
- f) Pump Houses, Purification Plant
- g) L.I.C. and M.I.C. Housing Schemes
- h) Slum Clearance Schemes
- i) Commercial buildings
- j) Public amenities
- k) Cost of Land Acquisition
- l) Purchase of Tools and Plants.

Inter-relationships :

The Trust is charged with development works and after completion of development of colonies, roads, drainage and sewerage works all these are transferred to Municipal Corporation for their upkeep and maintenance.

Housing Board is an independent body. It cannot, however, function within the jurisdiction of an improvement trust.

Divisional Commissioner is the Controlling Officer of the Trust and correspondences with State Government are routed through the Commissioner.

State Government has statutory control over the expenditure of the Trust. Every estimate of over Rs. one lakh is administratively approved by Government. In the matter of tenders worth more than one lakh rupees approval is given by the State Government. Trust's budget is also approved by Government.

As regards executive relationship, for all appointments exceeding a monthly salary of Rs. 1000/- approval of Government is necessary.

Operational Problems :

The biggest operational hurdle under the Bihar Town Planning & Improvement Trust Act (Trust Act) is extremely inadequate financial power. Under the Act, Chairman's power to sanction any expenditure is upto three thousand rupees only. The Trust Board can sanction such expenditure if it does not exceed rupees one lakh. Engineers have no financial powers worth the name save and except the power to incur petty expenditure upto rupees fifty only.

Another grave deficiency in the execution of schemes lies in the delay in receiving funds from Government. When administrative approval to any scheme is accorded by Government, fund is released very irregularly with the result that when the Trust has made some progress in the execution of a scheme to the extent of the released fund, it is never certain that further funds within the sanctioned estimate would be made available to it in time so that further execution is not interrupted.

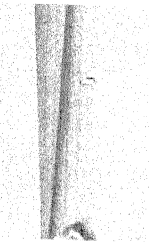
Although Government's approval to a tender over one lakh rupees is only a formal matter which should not take more than two weeks but in actual practice in a large number of cases Govt. took two to three years to communicate their approval. In fact a tender, if not accepted within six months, becomes legally unenforceable. Such delay in giving approval to tenders leads to obstruction in the progress of work and also infructuous expenditure arising out of claims of the contractors.

There is a tendency of the Housing Department (now Housing Board) to encroach upon the field of the Trust in the matter of urban development work. The Housing Deptt. has to do this work where there is no properly constituted Improvement Trust but where there is an Improvement Trust, as in Patna, such duality is fraught with danger of maldevelopment due to lack of coordination when two bodies do parts of the same work in the same area. The Trust has had similar difficulties with the Water Board, the P.H.E.D.

the P.W.D. and the Corporation due to lack of coordination and by taking away work from the Trust and handing it over to another Organisation.

Another difficulty lies in the cumbersome accounts procedure as prescribed in the B.T.F. and L.T. Act. Any increase on any particular item of work of any sanctioned estimate has got to be approved by the Chairman, the Board or by Government if the amount of expenditure is likely to exceed the amount of sanctioned estimate on that particular item even though on the whole the work may be completed within the total amount sanctioned. Usually, a meeting of the Trust Board is held once a month but on many occasions such a meeting is postponed for want of required quorum. All these result in hampering the progress of work very seriously.

Last, but not the least, is the out-dated procedure of Land Acquisition. It takes very long to acquire any land by going through various procedure of the L.A. Act. It is further delayed in the event of interested parties filing writ in the High Court. Many Trust schemes would not be implemented due to extraordinary delay in obtaining land. Present system has had disastrous consequences for the residents of the town. To quote an example, for delay in acquiring land for a pump house, the entire underground drainage system could not function even though sewers had been laid long ago.

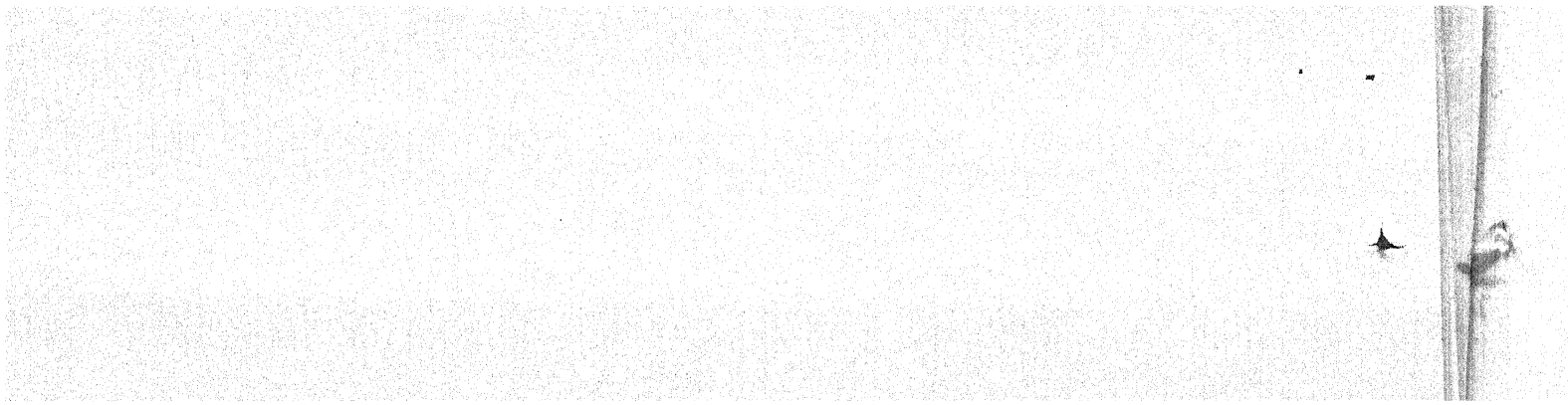


SEMINAR
on
"URBAN PLANNING AND DEVELOPMENT
AUTHORITIES"

(March 1 & 2, 1974)

POWERS AND FUNCTIONS OF THE AUTHORITIES UNDER
DEVELOPMENT ACTS

CENTRE FOR TRAINING & RESEARCH IN MUNICIPAL ADMINISTRATION
INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
NEW DELHI



Powers and Functions of the Authorities
under Development Acts

(A) The Delhi Development Act, 1957

The objects of the Delhi Development Authority are to promote and secure the development of Delhi according to plan (Section 6).

The Act enjoins the authority to carry out a civic survey of Delhi and prepare a master plan for Delhi (Section 7) and also to prepare a zonal development plan for each of the zones into which Delhi may be divided (Section 8). The plans are to be submitted to the central Government for approval (Section 9). Section 10 provides that before preparing the plans finally, the authority is to publish the draft plan inviting objections and suggestions from the persons affected. The Authority is to give reasonable opportunities to every local authority within whose local limits any land touched by the plan is situated to make representations with respect to the plan. After considering the objections and suggestions the Authority is to submit the plan. After the approval of the government, the Authority is to publish a notice

stating that the plan has been approved and the plan shall come into force from the date of its publication. .

Section 11-A empowers the Authority and the Central Government to make necessary modifications to the plans. Such modifications are to be made after publishing a notice inviting objections and suggestions and after considering the same.

Section 12 empowers the Central Government after ascertaining the views of the Authority and the Municipal Corporations of Delhi, to declare any area in Delhi, to be a development area. The Authority is to undertake or carry out development of land only in a development area. The section further provides for obtaining the written permission from the Authority for undertaking development of land in a development area and the sanction from the Local authority concerned in case of areas other than a development area.

Section 13 deals with the procedure to be followed for obtaining permission referred to in Section 12. It enjoins the Authority to give reasonable opportunity to show cause, in case the permission is refused. Further, the grounds of such refusal should be recorded in writing and should be communicated to the applicant. The Authority is to maintain a register of such applications giving necessary details and the register should be available for inspection of the public.

Section 14 places a restriction on any person from using or allowing the use of any land or building otherwise than in conformity with the plan after its coming into operation.

Section 21 empowers the Authority or the local authority concerned to dispose of any land acquired by the Central Government and transferred to it (under Section 20) without undertaking or carrying out any development or after undertaking or carrying out such development as it thinks fit, to such persons in such manner and subject to such terms and conditions as it considers expedient for securing the development of Delhi according to plan.

Section 22 empowers the Central Government to place at the disposal of the Authority any developed and undeveloped land in Delhi vested in Union ("Wazul lands") for the purpose of development under the control and supervision of the Authority.

Section 29 deals with penalties for undertaking or carrying out the development of any land or the use of any land or building in contravention of the plans or without permission or sanction or in contravention of the conditions of such permission.

Section 30 empowers the Authority (in the case of a development area) or the competent authority (in the case of

any other area within the local limits of a local authority) to require the owner or persons concerned to remove by demolition, filling or otherwise, any development commenced or being carried on or completed in contravention of the master plan or zonal development plan or without the permission or sanction or in contravention of the conditions of such permission, within a period not less than five days and not more than fifteen days from the date of service of the order, after giving the persons concerned a reasonable opportunity to show cause. It further empowers the authority concerned to remove the development and to recover the expenses of such removal from the persons concerned as arrears of land revenue, in case the latter fails to comply with the order within the specified period. This power is in addition to any prosecutions that may be instituted under Act.

In case the competent authority fails to remove or cause to be removed the development in an area other than a development area within the period specified by the Administrator of Delhi, the Administrator of Delhi is empowered to direct any officer to remove or cause to be removed such development and to recover the expenses from the persons concerned as arrears of land revenue. The section provides for appeals against such orders.

Section 31 empowers the authority (in the case of a development area) and the competent authority (in the case of

any other area within the local limits of a local authority) to make an order requiring the development commenced in contravention of master plan etc. to be discontinued on and from the date of service of the order. It further empowers the authority or the competent authority to require any police officer to remove the person by whom the development has been commenced and all his assistants and workmen from the place of development in case the development is not discontinued. It also enjoins such police officer to comply with the requisition accordingly.

If the competent authority fails to make the required orders within the time specified by the Administrator, he is empowered to direct any officer to make the required orders.

The section further empowers the authority or the competent authority or the officer concerned to depute by a written order a police officer or an officer or an employee of the Authority or local authority concerned to watch the place in order to ensure that the development is not continued.

Section 34 empowers the Administrator or the Authority or the local authority, as the case may be, to compound offences under the Act.

Section 35 empowers the authority to serve upon the owner or person concerned a notice requiring him to provide

the necessary amenity or carry out the required development within the prescribed time, in case the former fails to do so, the Authority is further empowered to provide the same after affording the person concerned a reasonable opportunity to show cause and to recover the expenses incurred from the person concerned as arrears of land revenue.

Section 36 empowers the authority to require the local authority concerned to assume responsibility for the maintenance of amenities provided in any area which has been developed by the Authority and for the provision of additional amenities on terms and conditions agreed upon between the authority and the local authority.

Section 37 empowers the authority to levy betterment charges, in respect of increase in value of the property resulting from the execution of the development scheme. Section 38 deals with the assessment of betterment charges by the Authority and Section 39 with the settlement of betterment charges by arbitrators.

Section 41 enjoins the authority to carry out the directions issued by the Central Government for the efficient administration of the Act. It further gives the government the power of revision viz., to call for the records of any case disposed of or orders passed by the Authority and to pass such order or direction in relation to that.

Section 42 enjoins the authority to furnish to the central government such reports, returns and other information as required by the government. It also empowers the central government to call for reports, etc. from the authority or local authority in regard to the implementation of the master plan.

Section 53-A provides that rules, regulations and bye-laws are to be made or amended by the local authorities in respect of certain matters enumerated thereunder such as water supply, drainage etc. only after the authority certifies that they do not contravene any of the provisions of the master plan or zonal development plans.

Section 59 deals with the dissolution of the Authority by the central government.

(B) The Calcutta Metropolitan Development Authority Act, 1972

Section 15 provides that the ~~calcutta~~ Metropolitan Development Authority shall be responsible for the formulation of plans for the development of the Calcutta Metropolitan Area, the co-ordination of the execution of such plans, the supervision of the execution of ~~any~~ project financed wholly or partly by it and the financing and execution of any project in any plan for the development of the Calcutta Metropolitan Area or any part thereof.

Section 16 empowers the Authority to give directions to any authority to which payment of any money has been made, with regard to the implementation of any development project. Section 17 authorises the authority to undertake any works and incur any expenditure for the execution of the project or implementation of such scheme in case of failure by the latter to carry out the directions of the authority or to fully implement any scheme undertaken by it for the development of any part of the Calcutta Metropolitan Area.

It also empowers the Authority to undertake any work in the Calcutta Metropolitan Area as directed by the state government and to incur expenditure in connection with the execution of such work.

Section 17 A* deals with the power of Metropolitan Authority to require local authority to assume responsibilities in certain cases. Same as Section 36 of the Delhi Development Act.

Section 17 B deals with the power of the Authority to levy betterment charges, Same as Section 37 of the Delhi Act.

Section 17 C* deals with Assessment of betterment charge by the Authority. Same as Section 38 of the Delhi Act.

* Inserted by the Calcutta Metropolitan Development Authority (Amendment) Ordinance, 1973.

Section 17 D* deals with settlement of Betterment charge by arbitrators. Same as Section 39 of the Delhi Act with suitable changes.

(C) The Mysore Town and Country Planning Act, 1961

Section 6 enjoins the planning Authority to prepare a map showing the present land use in the planning area.

Section 9 enjoins the Authority to carry out a survey of the area within its jurisdiction and to prepare and publish an outline development plan for the area and to submit it to the state government through the director for provisional approval. It empowers the state government to authorise the Director to prepare and publish the same and to recover the cost from the Authority, if the latter fails to do so.

Section 10 provides for the declaration of intention of making the plan. Section 12 deals with the contents of the plan and Section 13 deals with the approval of the plan.

Section 14 prohibits any change in the land use or development without a written permission of the ^{authority} planning/which is empowered to grant a commencement certificate.

Section 15 provides for the procedure for such permission (compare Section 13 of the Delhi Act). It provides that if the Authority does not communicate its decision within 3 months, the commencing certificate shall be deemed to have been granted to the applicant.

* Inserted by the Calcutta Metropolitan Development Authority (Amendment) Ordinance, 1973.

Sub-Section 4 empowers the planning authority to direct any person who does any work or makes any use of the land in contravention of section 14 by notice in writing to stop such work. It further empowers the authority to remove or pull down any such work and to restore the land to its original condition or to take any measure to stop such use. (Compare sections 30 and 31 of the Delhi Act).

Section 16 enjoins the Authority to purchase land on refusal of permission in certain cases. (No such provision in the Delhi Act).

Section 17 provides for the sanction of the planning authority for sub-division of plot or lay out on private street. It empowers the authority to direct the stoppage of any work done in contravention of the condition of the sanction.

Section 19 enjoins the Authority to prepare a comprehensive development plan and to submit the same to the state government for approval. It further empowers the state government to authorise the Director to prepare such a plan and to recover the cost from the Authority if the latter fails to do so.

Section 22 provides for the approval of the comprehensive Development Plan. (Same as Section 13/^{which} deals with the approval of the outline development plan).

Section 23 provides that on the publication of the comprehensive Development plan, it shall have effect and that the outline development plan published shall be deemed to be superseded.

Section 25 enjoins the planning authority if required by the state government to revise the development plan at least once in every five years.

Section 26 enjoins the planning authority to make one or more town planning schemes for the area within its jurisdiction for the purpose of implementing the proposal in the comprehensive Development plan. Section 29 provides for the declaration of the intention to make the scheme; and Section 30 deals with the making and publication of the draft scheme and governments' power to make the scheme. Section 31 deals with the power of the state government to require the Authority to make a scheme and Section 34 provides for the consideration of objections and sanction of draft scheme. The state government is empowered either to sanction or to refuse to give sanction.

Section 35 prohibits any person from erecting or removing or altering any building or sub-divide any land or change the user of any land etc. without obtaining a commencement certificate granted by the Authority. It empowers the Authority to direct the stoppage of any work done in contravention of the provisions. The section provides for appeals to the prescribed authority.

Section 36 empowers the state government to suspend any rule, bye-law etc. for the proper carrying out of the scheme.

Section 76 (F) empowers the state government or the authority concerned to compound any offence under the Act. (Section 34 of the Delhi Act).

Section 76 (K) and (L) enjoin the authority to carry out the directions issued by the state government for the efficient administration of the Act and to furnish to the government, reports and other information. (Section 41 of the Delhi Act).

Section 79 empowers the state government to exercise the powers and perform the duties of any planning authority if the latter is not competent to exercise or perform or neglects or fails to exercise or perform its powers and duties.

Section 80-A deals with dissolution of planning authorities. (Section 59 of the Delhi Act).

(D) The Gujarat Towns and Country Planning Act, 1964

Section 7 empowers the Regional Board to prepare a regional plan for the region and to submit the plan to the state government for sanction. The plan as sanctioned by the state government shall be called the "final regional plan". (Compare Section 10 of the Delhi Act).

Section 14 enjoins every local authority to carry out a civic survey of the area within its jurisdiction and to prepare a development plan for the area after declaring its intention to prepare the Development plan. Section 16 empowers the local authority to prepare the Development plan. Sections 17, 18 and 19 provide for the sanction of the plan. (Same as Sections 10, 12 and 13 of the Mysore Act).

The Development plan sanctioned by the state government shall be called "the final development plan" - After the plan comes into force, the local authority is to execute the work for developing or improving any area according to the plan (Section 19(A)).

Section 20 empowers the state government to prepare and publish the Development plan and to recover the cost from the local authority, if the latter fails to do so. (Same as Section 19 of the Mysore Act).

Section 22 deals with restriction on development work (same as Section 14 of the Mysore Act).

Section 23 deals with the permission for development of buildings or land (same as Section 15 of the Mysore Act).

Section 24 deals with the consequences of contravening Section 22 (same as Sub-Sections 4 & 5 of Section 15 of the Mysore Act).

Section 25 enjoins the local authority to purchase land on refusal of development permit in certain cases. (same as Section 16 of the Mysore Act).

Section 26 provides for the sanction for sub-division of plot or lay out of private streets. (Same as section 17 of the Mysore Act).

Section 27 deals with revision of development plan . (Same as Section 25 of the Mysore Act except that in this case the period specified is once in every 10 years).

Chapter IV (Sections 28 to 40) deals with town planing schemes (Same as Chapter V (Sections 26 to 36) of the Mysore Act).

Chapter VIII (Sections 84 to 88) deals with special provisions in respect of special development areas.

Section 84 empowers the state government to declare any area in which industries are located or which is notified for the purpose of industrial development etc. to be a Special Development Area and section 85 to appoint a Special Development Area Committee for the purpose.

Section 86 deals with powers and functions of Special Development Area Committee. It says that the Committee appointed for any area shall be deemed to be a local authority having jurisdiction of that area and shall exercise all the powers and perform all the functions and duties of a local authority under the Act. It further provides that any other local authority functioning in the said area immediately before the appointment of the said Committee to cease to exercise the powers and perform the functions of the committee on and from the date of such appointment.

Section 93 empowers the state government or any person appointed by it to exercise the powers and perform the functions of the local authority, if the latter is not competent, or neglects or fails to do so and to recover the expenses from the funds of the local authority. (Section 79 of the Mysore Act).

(E) Maharashtra Regional and Town
Planning Act, 1966

Section 13 enjoins the Regional Board to prepare a regional plan (Section 7 of the Gujarat Act).

Section 15 provides for the sanction of the state government (Section 8 of the Gujarat Act).

Section 16 deals with the procedure to be followed in preparing and approving regional plan. It provides for referring the objections, suggestions etc. to the Regional Planning Committee before submitting the plan to the state government for approval.

Section 21 enjoins every Planning Authority to prepare and publish a draft development plan for the area within its jurisdiction in accordance with the provisions of a regional plan and submit the same to the state government for sanction.

The section empowers the state government to prepare the same and to recover the cost from the planning authority, in case the latter fails to do so. (Section 19 of the Mysore Act).

deal

Sections 23 to 31/with the procedure to be followed in preparing and sanctioning the development plans. (Compare Sections 10, 12 and 13 of the Mysore Act and Sections 17, 18 and 19 of the Gujarat Act).

Section 32 empowers the planning authority to prepare and publish an interim development plan for the area within its jurisdiction either on its own or on the direction of the state government, pending preparation of the draft development plan.

Section 33 empowers the planning authority to prepare comprehensive development plans. (Section 19, 21 and 22 of the Mysore Act).

Section 38 empowers the planning authority to revise the development plan at least once in 10 years.

Section 40 empowers the state government to constitute for any area within the jurisdiction of one or more local authorities an authority to be a Special planning Authority.

The Special planning Authority shall exercise all the powers and duties of a planning Authority under the Act. It also provides that after the appointment of the Special planning Authority the local authority or authorities functioning in the area to cease to exercise the powers and perform the functions and duties which the Special Authority is competent to perform.

The expenses of the Special planning Authority are to be met by contribution by local authorities (Section 41).

Section 43 deals with restrictions on development of land. (Section 14 of the Mysore Act and section 22 of the Gujarat Act).

Section 45 deals with the applications for permission for development. (Section 15 of the Mysore Act and section 23 of the Gujarat Act).

Section 49 enjoins the authority to acquire land on refusal of permission or on grant of permission in certain cases. (Section 16 of the Mysore Act; Section 25 of the Gujarat Act).

Section 52 provides for penalty for unauthorised development or for use otherwise than in conformity with Development plan. (Section 29 of the Delhi Act).

Section 53 deals with the power of the Authority to require the removal of unauthorised development. It empowers the Authority to prosecute the owner or the person concerned for not complying with the notice, and to cause the restoration of land to its original condition and to recover the expenses from the person concerned as arrears of land revenue. (Section 30 of the Delhi Act).

Section 54 deals with the power of the Authority to stop unauthorised development. (Section 31 of the Delhi Act; Section 14 of the Mysore Act; Section 24 of the Gujarat Act).

Section 55 empowers the Authority to direct by an order in writing the removal or discontinuance of unauthorised temporary development summarily. It empowers the authority to request the District Magistrate or the Commissioner of Police to have such work summarily removed or such use summarily discontinued in case the person concerned fails to comply with the order (Section 31(2) of the Delhi Act).

Section 56 empowers the Authority to require removal of authorised development or use of any land in the interest of proper planning of its area, having regard to the Development plan prepared after giving notice. The section provides for appeal to the state government.

Section 59 empowers the planning authority to prepare one or more town planning schemes for implementing the proposals in the Development plan. Sections 60 to 68 deal with preparation, publication and sanctioning etc. of the scheme. (Sections 26 to 34 of the Mysore Act; Sections 28 to 40 of the Gujarat Act).

Section 69 deals with restrictions on the use and development of land after declaration for town planning schemes (Section 35 of the Mysore Act; Section 39 of the Gujarat Act).

Section 89 empowers the Authority to evict summarily any person continuing to occupy any land which he is not entitled to occupy under the final scheme. The section enjoins

the Commissioner of police or the District Magistrate to enforce the eviction of such person and secure delivery of possession of the land to the Authority at its request.

Section 90 empowers the planning authority to remove pull down or alter any building or other work in the area included in the scheme and to execute any work which it is the duty of any person to execute under the scheme and to recover the expenses from the persons concerned.

Section 111 enjoins the Authority to complete all the works provided in a final scheme within the prescribed time. If the Authority fails to do so the section empowers the state government to require the authority to complete the work within a further period or to appoint an officer to complete the same at the cost of the planning authority.

Section 113 empowers the state government to designate any area as a site for a new town and to appoint a New Town Development Authority for the purpose of acquiring, developing and disposing of land in the area of such new town. It further provides that on the constitution of a development authority for a new town a local authority or authorities functioning with the area shall cease to exercise the powers and perform the functions and duties which the said development authority is competent to exercise and perform under the Act. The Development Authority shall have all the powers and carry out all the duties of a Planning Authority under the Act.

Section 114 enjoins the Development Authority to secure the laying out and development of new town in accordance with the proposals approved in that behalf under the Act.

Section 115 enjoins the Development Authority to submit to the state government its proposals for the development of land within the new town area for sanction.

Section 116 provides that the Development Authority shall have all the powers of a planning authority regarding acquisition of land for the purpose of the Act.

Section 118 empowers the Development Authority to dispose of any land acquired by it to any person for the development of the new town in accordance with the proposals approved by the state government under the Act. (Section 21 of the Delhi Act.)

Section 120 empowers the Developing Authority to make agreements or enter into contracts with any local authority Planning Authority or statutory body, to secure the provision of services such as water supply etc. for the new town.

Sections 154 and 155 enjoin the Regional Board, Planning Authority and Development Authority to carry out the directions of the state government for the efficient administration of the Act and to furnish reports, returns and other information to the state government. (Section 41 of the Delhi Act; Sections 76 (K) and (L) of the Mysore Act.)

Sub-Section 2 enjoins every local authority to furnish to a Regional Board, Planning Authority, or Development Authority (within the limits of which that local authority is functioning) reports etc.

Section 160 deals with the dissolution of the Regional Planning Board Special Planning Authority and the New Town Development Authority.

The Tamil Nadu Town and Country
Planning Act : 1971

Section 6 provides that the functions of the Tamil Nadu Town and Country Planning Board shall be to guide, direct and assist the planning authorities and advise the government in matters relating to planning and the development and use of rural and urban land in the state.

Section 12 enjoins the regional planning authority to prepare a regional plan and to carry out the works contemplated in the regional plan, the local authority to prepare a master plan and a detailed development plan and to carry out the works in the master plan and detailed development plan and the new town development authority to prepare a new town development plan for its area and to secure the laying out and development of the new town in accordance with the new town development plan.

Section 13 provides that on the constitution of a new town development authority for any new town, the local authority

or authorities functioning within the area are to cease to exercise the powers, duties and functions which the said new town development authority is competent to do.

Sections 15 to 21 enjoin the respective planning authorities to prepare the respective plans, for their respective areas.

Section 22 empowers the state government to require the planning authorities to prepare the respective plans.

Sections 26 and 27 provide for the publication of the notices of the preparation of the plans.

Sections 28 and 29 provide for the approval of the government and the Director respectively.

Sections 30 & 31 provide for the publication of the approval of the government and the Director of the various plans in the gazette and the leading newspapers and provide that such notification shall be conclusive evidence that the respective plans have been duly approved. The plans shall come into operation from the date of such publication in the gazette.

Section 32 empowers the regional planning authority to review the regional plan and to make modifications once in every 10 years. Similarly, it empowers the local planning authority to review the master plan and make modification once in every 5 years.

Sub Section (4) empowers the government to vary or revoke the regional plans, master plan, or a new town development plan prepared and approved under the Act.

Section 40 empowers the new town development authority

to dispose of any land acquired by it to such persons in such manner and subject to such ~~terms~~ and conditions as it considers expedient for securing the development of the new town in accordance with plan (Section 118 of the Maharashtra Act).

Sections 41 and 42 empowers the new town development authority to make any agreement or enter into any contract with any local authority, local planning authority or statutory body to secure the provision of services within the area of new town and to contribute towards such expenditure. (Section 120 of the Maharashtra Act).

Section 47 prohibits any person other than the state government or any local authority to use the land or carry out development in the area otherwise than in conformity with the development plan.

Section 48 similarly puts restrictions on the erection of buildings and use of land in the area of the planning authority except with written permission of the appropriate planning authority. Section 49 provides for the procedure to be followed in granting the permission. (Compare Section 45 of the Maharashtra Act).

Section 52 enjoins the government to acquire land or building on refusal of permission or on grant of permission in certain cases. (Compare Section 49 of the Maharashtra Act).

Section 56 empowers the appropriate planning authority to require removal of unauthorised development.

It empowers the appropriate planning authority to prosecute the owner or the person concerned for not complying

with the notice. It also empowers the authority to cause the restoration of land to its original condition etc. and to recover the cost from the owner as arrears of land revenue. (Compare Section 53 of the Maharashtra Act).

Section 57 empowers the appropriate planning authority to stop the unauthorised development. (Compare Section 54 of the Maharashtra Act).

Section 58 enjoins the officer in charge of the state government, central government or any local authority intending to carry out development of any land or building, to inform in writing the planning authority concerned such intention giving full particulars within the specified time (if the local authority is the local planning authority under the act it is to inform to the regional planning authority concerned). If the appropriate authority raises any objection to the proposed development, the officer concerned is required either to make necessary modifications in the proposal or to submit the proposals with the objections to the government for decision. The section enjoins the government in consultation with the Director either to improve the proposals with or without modifications or to direct the officer to make necessary modifications as proposed by the government.

Section 59 empowers every planning authority to levy charges (development charges) in respect of use or change of use

of land or building for which permission is required under the Act. Section 61 deals with the assessment of development charges.

Section 62 empowers every local authority in the area of a planning authority in regard to the planning area lying within its jurisdiction to collect all development charges due under the Act.

Section 90 empowers the government to call for records and pass orders. (Compare Section 41 of the Delhi Act).

Section 96 provides that it shall be the duty of every police officer to cooperate with the planning authority for carrying into effect and enforcing the provisions of the Act or any rule or regulations made thereunder, to communicate the planning authority information regarding the design to commit or of the commission of any offence against the act and to assist the authority for the lawfull exercise of any power vesting in such authority. (Compare Section 31 of the Delhi Act).

Section 104 enjoins the Board, planning authority, or officer concerned to furnish to the government reports etc. (Section 155 of the Maharashtra Act).

Section 115 empowers the occupier of any building or land to execute any work which the owner is required to execute under the provisions of Act, in case the owner fails to do so, and to recover the expenses from the owner.

Section 116 enjoins any police officer not below the rank of a head constable to arrest any person commits any offence against the Act, under certain circumstances.

Section 117 empowers the government to exercise the powers and perform the duties of the Authorities, if the latter in the opinion of the government is not competent to exercise or perform or neglects or fails to exercise or perform its powers and duties. (section 93 of the Gujarat Act).

The Bihar Town planning and Improvement Trust Act, 1951

Section 33 enjoins the Board of Trustees (Trust) to prepare a master plan for the development and improvement of the area for which it has been constituted. It also provides that the master plan for an area notified under Section 138 shall be prepared by the Town Planner or the municipality concerned if the State Government so direct. Sub Section (2) provides that the plan shall be divided into parts and be implemented by the Trust or by the municipality as directed by the state government.

Section 34 deals with matters to be provided for by improvement schemes framed within the framework of the master plan and the types of such schemes.

Sections 35 to 42 deal with the powers of the Trust to frame the different schemes provided for under the Act. within the framework of the master plan.

Section 43 empowers the Trust to frame the improvement scheme on its own motion or on the representation from the Municipal Commissioners, or the Municipal Medical Officer of Health or on written representations by the residents of a municipal ward. Section 44 enjoins the Trust to consider the representations and to make the decision. The section gives a right to the municipality to refer the matter to the state government in case of the Trust decides against such representation and the state government is empowered to direct the Trust to frame the scheme, if the government so considers. The Trust is enjoined to comply with the direction of the state government.

Section 46 deals with the preparation, publication and transmission of notice as to improvement schemes and supply of documents to applicants. Section 47 gives a right to the Municipality to make any representation regarding the scheme. Section 48 enjoins the Trust to serve notice of proposed acquisition of land for the purpose of executing the scheme, to the persons concerned. After considering the objections, the Trust may either abandon the scheme or apply to the state government for sanction. (Section 50).

Sections 51 and 52 deal with the powers of the state government to sanction the scheme and to notify such sanction. Section 56 provides for the transfer of building or land vested in a municipality to the Trust for the purpose of improvement

schemes. Section 57 provides for the transfer of private street or square to Trust for the above purpose.

Section 65 provides for the vesting in municipality of streets laid out or altered and open space provided by Trust under an improvement scheme. It empowers the municipality with the previous approval of the state government and after informing the Trust, to declare the street to be a public street. Similarly an open space on completion may be transferred to the Municipality by a resolution of the Trust.

Section 66 empowers the Trust on completion of the scheme, to ask the municipality, by a written notice, to take over the maintenance of roads and of the sewerage, drainage, water-supply lighting and conservancy systems comprised within the scheme. If the municipality fails to comply with the notice within two years, the section provides that such roads and systems shall be deemed to have vested in the municipality who shall be responsible for their maintenance.

Section 77 empowers the Trust to levy betterment fee and section 78 deals with the assessment of betterment fee by the Trust.

Section 138 empowers the state government to constitute a planning authority in the whole or any part of a municipality or any area other than a local area for which a Trust has been constituted. The Authority so constituted shall have in respect

of the said area, all the powers and duties conferred or imposed on a Trust under the Act. The planning authority may be either a municipality or an officer of the government specially empowered by the state government to discharge the functions of the planning authority.

Section 144 empowers the state government to empower the Trust and the Chairman of the Trust to exercise the powers and functions respectively of the Municipal Commissioners and the Chairman of the Municipality in any area where an improvement scheme is in force.

Section 152 enjoins every police officer to communicate the Trust information regarding the commission of any offence and to assist the Chairman and Officer of the Trust for the lawful exercise of any power under the Act.

The Section provides for the convening of joint meetings of the representatives of the Trust, of the Municipal Commissioners and of the police.

Section 153 enjoins every police officer to arrest any person who commits any offence against the Act under certain circumstances.

Section 169 provides for the dissolution of the Trust and transfer of its assets and liabilities to the state government and the municipality.

The Howrah Improvement Act, 1956

Section 33 empowers the Board to frame a sewage disposal scheme for Howrah and undertake all works and incur all expenditure necessary for carrying it into effect. It further empowers the Board to undertake any work and incur expenditure for the improvement and development of the area to which the Act applies by framing improvement schemes enumerated thereunder. (Section 33 and 34 of the Bihar Act).

Section 37 provides for the framing of the general improvement scheme. Section 38 provides for the representation by the municipality for the same and Section 39 provides for the consideration of such representation. (Same as Section 43 and 44 of the Bihar Act).

Sections 40 to 44 provide for the framing of the various schemes.

Section 45 deals with the preparation, publication etc. Section 46 provides for the representation by the municipality regarding the scheme. Section 47 provides for the service of notice of proposed acquisition. Section 49 deals with the abandonment or sanctioning of the scheme. Section 50 and 51 deal with the powers of the state government to sanction the scheme and to notify such sanction. (Same as sections 46 to 52 of the Bihar Act).

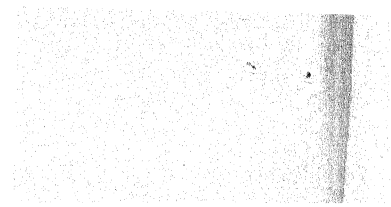
Section 54 provides for the transfer of buildings or land vested in the municipality to the Board for the purpose of improvement schemes. (Same as Section 56 of the Bihar Act).

Section 65 provides for the vesting in the Municipality of streets laid out etc. by the Board under an improvement scheme. (Compare Sections 65 and 66 of the Bihar Act).

Sections 80 to 88 deal with the levy of betterment fees - (Compare Sections 76 and 77 of the Bihar Act).

Section 164 provides for the co-operation of the public and Section 165 deals with the arrest of offenders - (Same as Section 164 and 165 of the Bihar Act).

Section 184 deals with the dissolution of the Board. (Same as Section 169 of the Bihar Act).



Provisions Relating to Acquisition of Land
Under Development Acts.

(A) The Delhi Development Act, 1957

Section 15 empowers the Central Government to acquire the land required for the purpose of development or for any other purpose, under the provisions of the Land Acquisition Act, 1894

(B) The Calcutta Metropolitan Development
Authority Act, 1972

Section 18 provides that any land required by the Metropolitan Authority for carrying out its functions under the Act shall be deemed to be needed for a public purpose and empowers the state government to acquire such land in accordance with any law for the time being in force.

(C) The Mysore Town and Country Planning
Act, 1961

Section 69 empowers the Planning Authority to acquire any land designated in an Outline Development Plan or in a comprehensive Development Plan by agreement or under the Land Acquisition Act, 1894 as in force in the state and as amended by section 72 of this Act regarding compensation.

If the designated land is not acquired within the prescribed period, the section gives a right to the person interested in the land to serve a notice to the Planning

Authority and if within six months of the date of service of such notice, no steps are commenced for its acquisition, the section provides that the designation shall be deemed to have lapsed.

Section 70 provides that land needed for the purpose of a Town Planning Scheme, or an Outline or Comprehensive Development Plan shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act.

Section 71 empowers the state government to acquire lands included in a Town Planning Scheme if it is needed for a public purpose other than that for which it is included in the scheme.

Section 72 amends sections 23 and 24 of the Land Acquisition Act for the purpose of acquisition. According to the amended section 23, in determining the amount of compensation, the court is to take into consideration the following:-

(1) market value,

In the case of acquisition of land designated in an Outline Development Plan or Comprehensive Development Plan on the dates of publication of the respective plans as finally approved by the government.

In the case of lands included in the Town Planning Scheme on the date on which the scheme comes into force.

If the proceedings for acquisition are commenced after a period of two years from the above dates, the market value of such land shall be the value on a date two years immediately preceeding the date on which a notification for purposes of acquisition of the land is issued under the Act.

(2) use to which the land was put on the date of publication of the declaration under section 6.

(3) the damages sustained by the person interested by reason of the taking of any standing crops or tress on the land, by reason of serving such land from his other land; by reason of the acquisition injuriously affecting his other property or his earnings.

(4) the reasonable expenses incidental to change of residence or place of business incurred by the person interested.

In addition to the market value, the section also enjoins the court the award of a sum of fifteen per centum on such market value in consideration of the compulsory nature of the acquisition.

According to the amended Section 24 the court is enjoined not to take into consideration the following:-

- (1) the degree of urgency which led to the acquisition
 - (2) any disinclination of the person interested to part with the land acquired
 - (3) any damage sustained by him which if caused by a private person would not render such person liable to a suit
 - (4) any damage which is likely to be caused to the land acquired after the date of the publication of the declaration under Section 6, by or in consequence of the use to which it will be put
 - (5) any increase to the value of the land acquired likely to accrue from the use to which it will be put when acquired.
 - (6) any increase to the value of the other land of the person interested likely to accrue
 - (7) any outlay or improvements effected after the date of the publication of the notification under Section 6.
 - (8) the special suitability or adaptability of the land for any purpose
 - (9) any increase in the value of the land by reason of its use contrary to law etc.
- (D) The Gujarat Town and Country Planning Act 1964

Section 21 empowers the local authority or the authority for whose purpose any land is designated in the development plan to acquire the land either by agreement or under the Land Acquisition Act. (This section contains the same provisions as that of section 69 of the Mysore Act; It further enjoins the authority to take over ^{possession} of the land within a period of six months if the owner of the land serves a notice on the authority expressing his

willingness to hand over clear and vacant possession of his land. The owner in such a case is entitled to interest at the rate of 4 per cent per annum from the date on which he hands over possession of his land on the amount of compensation until the amount is paid to him. If the possession of land is not so taken over by the authority, the owner is entitled to damages equivalent to the loss of interest.)

Section 94 empowers the state government to acquire lands included in a town planning scheme. (Same as section 71 of the Mysore Act.)

The schedule to the Act deals with the Amendment of section 23 and 24 of the Land Acquisition Act. (Same as section 72 of the Mysore Act except that under this Act the court is enjoined to take into consideration the market value at the date of publication of the declaration under section 6 in determining the compensation.

(E) The Maharashtra Regional and Town Planning Act, 1966.

Section 125 provides that any land required, reserved or designated in a Regional Plan etc shall be deemed to be land needed for a public purpose within the meaning of the Land Acquisition Act, 1894. (Same as section 70 of the Mysore Act).

Section 126 empowers the Appropriate Authority to acquire the land either by agreement or to make an application to the state government for acquiring the same under the Land Acquisition Act.

Sub-section (2) empowers the state government to make a declaration to that effect as provided in section 6 of the Land Acquisition Act.

Sub-section (3) enjoins the Collector to proceed to take order for the acquisition. It further provides that the provisions of the Land Acquisition Act shall apply to such acquisition with the modification that the market value of the land shall, where the land is to be acquired for purposes of a new town, be market value prevailing on the date of notification designating the area as a site for new town and in any other case at the date of publication of the Draft Development Plan or as the case may be, or the draft town planning scheme.

Section 127 provides for lapsing of reservations (Same as section 69(2) of the Mysore Act and Section 21(3) of the Gujarat Act.)

Section 128 empowers the state government to acquire lands included in any draft plans or schemes (Same as section 71 of the Mysore Act.)

Section 129 empowers the government to authorise the Collector, to take possession of a land under acquisition after giving fifteen days' notice, if the possession of the land is urgently required in the public interest.

It provides for the offer of compensation for the standing crops and trees on such land and for any damage sustained by reason of such sudden dispossession and not excepted in Section 24 of the Land Acquisition Act, and if such offer is not accepted, for allowing the value of such crops and trees and the amount of such other damage in awarding the compensation for the land under the provisions of that Act.

It further provides for the payment by the appropriate Authority, interest at 4 per cent per annum on the amount of compensation from the date of taking possession of the land to the date of payment.

It also provides for the payment by the authority to the owner of an advance not exceeding two-thirds of the amount estimated to be payable to him, in case the possession of land is taken by the Authority.

(F) The Tamil Nadu Town and Country Planning Act, 1971

Section 16 provides that any land required, reserved or designated in a regional plan etc to be deemed to be land needed for a public purpose within the meaning of the

Land Acquisition Act, 1894, (Same as section 70 of the Mysore Act and section 125 of the Maharashtra Act)

Section 37 empowers the appropriate planning authority to acquire the land either by agreement or to make an application to the government for acquiring the same under the Land Acquisition Act. (Same as section 126 of the Maharashtra Act.)

The proviso enjoins the authority to obtain the previous approval of the government if the value of the land exceeds Rs. 50,000/-

Sub-section (2) empowers the state government to make a declaration to that effect as provided in section 6 of the Land Acquisition Act (Same as sub-section(2) of section 126 of the Maharashtra Act) The proviso says that no such declaration in respect of any particular land covered by a notice under section 26 (Notice of the preparation of the regional plan, the master plan or the new town development plan) and section 27 (Notice of the preparation of the detailed development plan) shall be made after the expiry of three years from the date of such notice.

Sub-section (3) enjoins the Collector to proceed to take order for the acquisition. It further provides that the provision of the Land Acquisition Act shall apply to such acquisition with the modification that the market

value of the land shall be the market value prevailing on the date of the publication of the notice in the Gazette under section 26 or section 27, as the case may be. (compare Sub-section (3) of section 126 of the Maharashtra Act.)

Section 38 provides for the release of the land from reservation, allotment or designation. (Same as Section 69(2) of the Mysore Act; Section 21(3) of the Gujarat Act; Section 127 of the Maharashtra Act)

(G) The Bihar Town Planning and Improvement Trust Act, 1951

Section 68 empowers the Trust to acquire land by agreement.

Section 69 empowers the Trust to acquire land under the Land Acquisition Act, 1894 with the previous sanction of the state government.

Section 70 empowers the state government to constitute a Tribunal for the purpose of performing the functions of the court relating to acquisition of land for the Trust under the Land Acquisition Act.

Section 71 provides for the modification of the Land Acquisition Act. The modifications are contained in the schedule.

Item 6(1) of the Schedule provides for the following modifications:

For clauses (1) and (6) of sub-section (1) of section 23 of the Land Acquisition Act, the following clauses are substituted:

(1) the market value of the land according to the use to which the land has been put during the preceeding five years (a) at the date of issue of the notice under section 39(b) (3) of the Bihar Act in case the land is proposed to be acquired in pursuance of that section and (b) at the date of the first publication of the notice under section 46 of the Act, in any other case.

(6) the damage resulting from diminution of the profits of the land between the dates referred to in clause (1) and the date on which the collector takes possession of the land.

A proviso is added to sub-section (2) of section 23 by which it is provided that the sub-section shall not apply where the land acquired is situated in an area which is declared by the state government to be a congested slum area and the land is not in the actual possession of the owner.

In the same sub-section, sub-section (3) is added; It provides for the disregard of the following matters for the purpose of clause (1) of sub-section (1) of section 23

(a) the increase or decrease in the market value of the land owing to the land falling within or near to the alignment of a projected public street,

(b) the increase in the market value resulting from the erection etc. of walls or buildings so as to make the same project into the street alignment or beyond the building line proscribed by any scheme under the Act

(c) the increase ~~in~~ ^{the} market value by reason of its use contrary to law etc. or by reason of the ~~building~~ being overcrowded etc; ~~unless~~ the building is in actual occupation of the owner.

By item 7 of the schedule, a new clause is substituted for clause (7) of section 24. It enjoins the court not to take into consideration any outlay on additions or improvements to land acquired after the date with reference to which the market value is to be determined, unless such additions or improvements were necessary for the maintenance of any building.

By Item 8 of the schedule, section 24-A is inserted in the Act. The new section provides that

(1) When any interest in any land acquired under the Act has been acquired after the date with reference to which the market value is to be determined, no separate estimate of the value of such interest shall be made so as to increase

the amount of compensation to be paid for such land.

(2) This provides for taking into consideration the estimated cost of putting a defective building into a sanitary condition or a reasonably good state of repair, while determining compensation.

(3) If any building which is used for human habitation is not reasonably capable of being used in such manner, the amount of compensation shall not exceed the value of the materials of the building minus the cost of demolishing the building.

By Item 9 of the schedule, Section 48-A is inserted: It provides for compensation to the owner for the damage suffered by him in consequence of the land being not acquired within two years, unless the owner has been responsible for the delay to a material extent

(H) The Howrah Improvement Act, 1956

Section 67 empowers the Board to acquire land by agreement or under the Land Acquisition Act. (Same as section 68 and 69 of the Bihar Act.)

Section 69 provides for the constitution of the Tribunal (Same as section 70 of the Bihar Act.)

Section 70 provides for modifications of the Land Acquisition Act. (Same as section 71 of the Bihar Act.)

By Item 7 of the schedule sub-section (2) of section 23 of the Land Acquisition Act is omitted and a new sub-section is added at the end of section 23. This new sub-section provides for similar modifications as those made under the Bihar Act. In the case of market value, the sub-section provides that in the case of acquisition of land comprised within any improvement scheme, the market value of the land shall be deemed to be the market value according to the disposition of the land at the date of publication of the notification under sub-section (2) of section 45 of the Howrah Act and in other cases, it shall be the market value according to the disposition of the land at the date of publication of the notification relating thereto under Sec.4. (compare Item 6(1) of the schedule to the Bihar Act.)

Item 8 of the schedule deals with amendment of section 24 (Same as item 7 of the schedule to the Bihar Act.)

Item 9 provides for the insertion of a new section, (Section 24A) (Same as Item 8 of the schedule to the Bihar Act)

By Item 10, sub-section (2) of section 27 is omitted.

Item 11 provides for the insertion of section 48-A and 48-B (Same as Item 9 of the schedule to the Bihar Act as far as section 48-A is concerned. Section 48-B says that section 48 and 48-A shall not apply when proceedings

for the acquisition of land have been abandoned on the execution of an agreement or the acceptance of a payment in pursuance of sub-section (4) of section 79 of the Howrah Act.

Item 12 provides for the amendment of section 49 of the Land Acquisition Act.

SEMINAR ON
"URBAN PLANNING AND DEVELOPMENT
AUTHORITIES"

(March 1 & 2, 1974)

A. Note

By:

TAMIL NADU WATER SUPPLY & DRAINAGE BOARD

CENTRE FOR TRAINING & RESEARCH IN MUNICIPAL ADMINISTRATION
INDIAN INSTITUTE OF PUBLIC ADMINISTRATION
NEW DELHI .



NOTE ON THE POLICY UNDER LYING THE TAMIL NADU WATER
SUPPLY AND DRAINAGE BOARD.

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Providing protected water supply and Drainage facilities are no doubt the responsibility of the Local bodies like Corporations, Municipalities, Townships and Panchayats matters connected drinking water supply and Drainage Schemes were dealt with by several departments under the Government. The Local Bodies were unable to raise the required Finances. They mostly depend upon the Government loans and grants. For effective planning and execution of Water Supply and Drainage Schemes it was essential that these were brought under the persuance and control of a single agency for purpose of investigating preparing and execution of Water Supply and Drainage Schemes. Accordingly the Government constituted the Tamil Nadu Water Supply and Drainage Board with effect from 14.4.1971 under the Tamil Nadu Water Supply and Drainage Board Act 1970. The Board consists of Chairman, Managing Director, 8 Directors who are Secretaries to Government, Public Works Department, Rural Development and Local Administration Department, Health and Family Planning Department and Deputy Secretary to Government, Finance Department, the Commissioner Corporation of Madras, President, Tamil Nadu Panchayat Unions, the President, Chamber

of Municipal Councils and a Technical Director.

The Tamil Nadu Water Supply and Drainage Board deals with Investigation, Preparation and execution of Water Supply and Drainage Schemes.

On a resolution of the concerned local body or on representation from the people, the Executive Engineer, Investigation and Designs, prepares an investigation estimate and forwarded it to the concerned local body for passing a resolution agreeing to pay the investigation costs from its funds and requesting the Board to take up the investigation. The cost of investigation of the schemes undertaken by the Board either at the instance of the Board or local body is borne by the local authority concerned. In case where the investigation is undertaken for more than one local authority, the cost of such investigation will be proportionately borne by the local authorities concerned. In the case of Village Panchayats not able to meet the initial cost of investigation, the Government have come forward to advance it as a loan which has to be repaid by the Village Panchayat or included in the cost of the scheme. As soon as the investigation is undertaken by the field staff is completed, the investigation and Design staff prepares an outline proposal indicating the various components of the scheme and giving an estimate of the expenditure that is likely to be incurred in regard to the scheme and also a sketch showing the salient features relating to the scheme.

The outline proposals are scrutinised by the Superintending Engineer and the Chief Engineer. The Outline Proposals as finally approved by the Chief Engineer are forwarded to the Local Authority or authorities concerned. On receipt of the documents referred to above, the local authority concerned examines the report of the investigation of the scheme proposed to be implemented in its area with reference to the cost to be incurred for the scheme and with reference to its financial capacity to meet the cost of the scheme. If the local authority decides to get the scheme implemented, it passes a resolution authorising the Board to execute the scheme. The resolution so passed by the local authority is to specify clearly that the local authority shall meet the cost of execution of the scheme and its maintenance and also indicate the manner in which and the ways and means by which the cost of the scheme is proposed to be borne by such local authority. The local authorities are also required to furnish their financial statements for the past three years. On receipt of the resolution and other particulars referred to above, the Board examines in general, the feasibility of implementation of the scheme in all its aspects and in particular the financial capacity of the local authority concerned. In respect of villages and town panchayats and townships, the Board consults the Collector who is the Inspector of Panchayats whether the village or town panchayat or township is financially sound enough to finance the scheme, and the manner in which the local bodies proposed to raise their additional finances.

The normal methods of raising the additional finances required to meet the new commitments are:-

1. Levy/increase in the water tax which is specified percentage of the property tax;
2. Raising of the property tax;
3. Levy of tap rate for new house connections;
4. Meter rate for 1000 litres where meters are fixed;
5. Increase of existing tap rate for old house connections.

In the light of the report of the Collectors, if the Board is satisfied about the feasibility of implementing of the scheme it forwards a draft scheme to the Government for approval. Any resolution passed by the local authority under the Tamil Nadu Water Supply and Drainage Board Act is final and any such resolution cannot be cancelled or rescinded or altered by such local authority except with the previous approval of the Government. The Government either approve the draft scheme or approve it with such modifications, as they may consider necessary or return the said draft scheme to the Board to modify the draft scheme or to prepare a fresh draft scheme in accordance with such directions as the Government may issue in this behalf and resubmit it to the Government for approval. All approved draft schemes are published in the Tamil Nadu Government Gazette.

With the publication of the scheme in the Tamil Nadu Government Gazette it becomes an approved scheme. As soon as the notification is published in the Tamil Nadu Government Gazette, the draft scheme is executed in the areas of the local authority or

authorities concerned by the Execution staff. The cost of the scheme relating to the preparation and execution of the any scheme by the Board including all incidental expenses connected with the work is borne by the local authorities concerned on whose behalf such scheme was prepared and executed by the Board. In cases where the scheme was prepared and executed for more than one local authority, the cost of such scheme is apportioned among the local authorities concerned. The cost relating to the investigation, preparation and execution of any scheme by the Board including all incidental expenses connected therewith incurred by the Board is recoverable by the Board from the local authority concerned in such manner and in such number of instalments and at such time or times as may be prescribed. In the event of any failure on the part of the local authority to pay the cost of the scheme to the Board the Government pay to the Board such cost or so much thereof as is remaining due and recovers the same from the local authority concerned in such manner and in such number of instalments and at such time or times as may be prescribed.

Under the Act, the Government have the right to direct the Board to investigate, prepare and execute any scheme in any area of a local authority if it is expedient in the public interest to investigate, prepare and execute such a scheme in that area of a local authority, or where any local authority wilfully refuses or fails to pass any resolution for the execution of any scheme by the Board as required under the Act.

The Tamil Nadu Water Supply and Drainage Board has the authority to refuse to prepare and execute the scheme if it is satisfied that it is unnecessary or not feasible or otherwise unexecutable.

The local authorities other than the Corporation of Madras can execute, with the permission of the Board, only scheme costing not more than rupees fifty thousand and the Madras Corporation, only schemes costing not more than rupees two lakhs.

As already pointed out, one of the aims of the Tamil Nadu Water Supply and Drainage Board is mobilisation of institutional finances. In the year 1969 the Life Insurance Corporation came forward in a big way to finance the water supply and drainage schemes of Tamil Nadu. It agreed to meet 2/3 of the cost of the schemes while 1/3 was to be met either by the local body itself or the State Government. The aid received from the Life Insurance Corporation so far by Tamil Nadu is indicated below:-

	(Rs. in Lakhs)
1969-70 for 22 Water Supply Schemes and 4 Drainage Schemes.	192.33
1970-71 for 28 Water Supply Schemes.	270.78
1971-72 for Spill-over schemes and 27 Water Supply and 2 Drainage Schemes	571.61
1972-73 only for Spill-over Schemes	177.37
Total	<u>1212.09</u>

Prior to October 1972, the L.I.C. was giving loans direct to the local bodies. As soon as the schemes had been administratively sanctioned, the Chief Engineer, obtained loan applications from the local bodies, processed them and submitted them to the Board. After scrutiny by the Board, the loan applications were being forwarded to the LIC who sanctioned loans to the various local bodies to meet the cost of the approved schemes. From October 1972 onwards the LIC is giving loans to the Tamil Nadu Water Supply and Drainage straight. The Board in its turn apportions that amount among the various local bodies scheme-wise and this is treated as a loan from the Board to the local body. The entire loan amount is recovered in 25 years in 22 annual instalments commencing from the fourth year, there being a minimum for the first three years. For the remaining 1/3 amount the Chief Engineer obtains loan applications from the local bodies and sends them to Government through the Board for sanction.

In the year 1966-67 and prior to that the water supply and to a greater extent drainage was a neglected sector and the annual total outlay on the water supply and drainage schemes in the state never exceeded more than Rs.2 crores. From the year 1967-68 onwards the outlay on Water Supply and Drainage had been progressively and significantly increased year after year, more particularly from the year 1969-70 as could be seen from the

	URBEM	VEPRANAM	R.W.S.	TOTAL
	(Rupees in lakhs)			
1967-68	170	---	---	170
1968-69	120	---	---	120
1969-70	250	15.74	---	265.74
1970-71	590	165.47	---	755.47
1971-72	610	533.35	---	1143.35
1972-73	685	238.10	148.00	1071.10
	2425	952.66	148.00	3525.66

The outlay for 1973-74 is as indicated below:

520.53	900.00	200.00	1620.53
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From the period 1969-70 till date 84 new urban water supply schemes in all estimate to cost Rs.55.74 crores had been taken up for execution. During this period 43 water supply and drainage schemes costing Rs.650 lakhs have been completed.

At the commencement of the Tamil Nadu Water Supply and Drainage Board (i.e.) on 14.4.1971 56 Water Supply Schemes and 10 Drainage schemes at a total cost of Rs.2336/- lakhs were under execution 27 Drainage schemes were taken up during 1971-72. At the commencement of 72-73 96 water supply schemes and 12 drainage schemes at the total cost of Rs.3052/- lakhs were under execution. 8 Water Supply schemes and 3 Drainage schemes were newly taken up in 1972-73. 23 Water Supply schemes (17 new and 6 improvement schemes) and 2 Drainage schemes have been completed so far...

...9/-

Apart from this, after the constitution of the Board, Government have sanctioned 25 Water Supply schemes (both new and improvements schemes) and 3 Drainage schemes during 1971-72 and 1972-73. These schemes are under various stages of execution. Besides these Veeranam Water Supply Scheme costing Rs.27.80 crores and a 20 MGD water supply to Tuticorin Industrial Complex at a cost of Rs.470 lakhs under execution.

ACCELERATED PROGRAMME OF RURAL WATER SUPPLY SCHEME.

At present almost all the villages in Tamil Nadu are not provided with safe drinking water facilities. There are 4916 villages without any source of water, 2230 villages in which endemic diseases are prevalent and 21524 villages where inadequate water sources have to be developed and contacted. For providing safe drinking water supply to all these categories of villages, an amount of Rs.40 crores in all will be the total requirement. A policy decision was taken by the Government of India to introduce a new scheme to ensure the provision of safe drinking water to such villages which suffer from one or other of the disadvantages. A control scheme by name "Accelerated Programme of Rural Water Supply" has been introduced for this purpose.

The Tamil Nadu Water Supply and Drainage Board formulated 2998 schemes (in ten batches) covering 3614 villages under this programme at an estimated cost of 1630 lakhs and forwarded it to the Adviser (IHE) Ministry of Works and Housing, Government of India. The Government of India have communicated their concurrence to take up 421 schemes at an estimated cost of Rs.310

lakhs; 295 schemes in Ramnad District. 41 in Dharmapuri District, 39 in South Arcot District, 40 in Chingleput District, 4 in coimbatore District and 2 in North Arcot District are under execution. The Government of India had allotted Rs.100 lakhs only for the year 1972-73 and the TWAD Board has spent a sum of Rs.148 lakhs from the Government of India. The Government of India allotted only Rs.70 lakhs for the year 1973-74. The Board has spent a total amount of Rs.196-91 lakhs from April to July 1973. In order to complete the on going schemes Government of India have been requested to allot more funds.

UNICEF ASSISTED SCHEME.

Proposals were formulated to provide 8850 tube wells in the scarcity and cholera affected villages of the state covering all the hard rock formation areas within a period of 5 years with the assistance offered by the UNICEF. A total number of 1237 villages were selected for this purpose. The cost of drilling 8850 tube wells and maintaining them is estimated to cost of 2.71 crores. In G.O.Ms.No.1827, dt. 22.9.70 Government approved the UNICEF Assisted Schemes. In G.O.Ms. No.2193, dt. 24.9.71, the execution of the scheme was entrusted to TWAD Board. In the first phase of the UNICEF subsidiary plan of operation it has been decided to put 2000 bores covering 1237 villages. The UNICEF assistance will be in the shape of rigs and other essential equipments.

...11/-

INVESTIGATION

MUNICIPALITIES.

There are 99 Municipalities in Tamil Nadu. Water Supply Schemes have been completed in respect of 80 Municipalities. Water Supply Schemes are under execution for 10 municipalities, out of which pilot water supply schemes has been effected in respect of 6 municipalities. For the rest of the 9 municipalities investigation is under progress at different stages.

TOWN PANCHAYAT:

There are 639 town panchayats in Tamil Nadu. So far water supply schemes have been executed for 66 town panchayats. Water Supply schemes are under execution in 37 town panchayats. Investigation has been sanctioned for 178 town panchayats. Water Supply schemes are under investigation for 88 town panchayats.

MAINTENANCE OPERATIONS:

As regards urban water supply schemes there is a definite policy of the Government that they should be maintained on a self supporting basis meeting the full cost of maintenance from the revenue realised through water tax and tap rates. But for the maintenance of Rural Water Supply schemes a similar policy is yet to be arrived to.

THE UNICEF scheme contemplates construction of 8850 tube wells in the scarcity and cholera affected villages. The Board is now executing a number of water supply schemes under the Accelerated Rural water supply programme. While approving the terms and

conditions for the Accelerated programme the Government of India have insisted that the expenditure on maintenance and operation of existing urban water supply schemes shall be borne by the local body/ the state government and that the State Government will have to give an under-taking to this effect to the Central Government.

It is well known fact that most of the Village Panchayats are financially very poor. Quite a number of them find it difficult to pay the current consumption charges. Even though the maintenance cost of the water supply scheme may not be considerably high it will be an additional burden on the Panchayat. Instructions have already been issued to all execution staff that even at the stage of preparation of estimates the panchayat should be asked to pass a resolution accepting their responsibility to maintain these schemes. The Board feels that the panchayat union may maintain the water supply schemes on behalf of the Panchayats meeting the cost from their general funds in the first instance and later on recover it from the Panchayats. It has however been suggested to Government that based on the classification of the Panchayats for purposes of road grants, the adoption of the following formula :-

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|------------------------------------|---|--|
| i. Unions under 'A' Class Blocks. | { | Capable of maintaining the works fully from their General funds. |
| ii. Unions under 'B' Class Blocks. | { | Capable of maintaining the works by 50% Government Grant and the other 50% from their General Funds. |
| iii. Unions under 'C' Class Block | { | Capable of maintaining the works by 75% Government Grant and the other 25% from their General Funds. |

- iv. Unions under 'D' Class Blocks. } Capable of maintaining only with
} cent per cent Government Grant.

The Water Supply schemes on their completion would be handed over to the respective panchayats or the panchayat unions as per the decision to be taken by the Government in regard to maintenance. For villages, where electric motors and the pump sets would be provided the panchayat should be authorised to appoint, to either any one of the primary school teachers or a Gram Sevik or any other employee of the Union or of the State Government, as a part-time operator. His responsibility, however, shall be limited only to the switching on or off of the motors according to the time schedule to be fixed by the maintaining authority, he shall not be required to do any maintenance work.

Whether the maintenance is actually entrusted to the panchayats or the panchayat union councils, the actual operations of maintenance should be entrusted to the Union alone who have a technically qualified Union Engineer and an Executive authority, namely, the Commissioner. The TWAD Board official while handing over the scheme will furnish a list of spares and other equipments such as hoisting equipment for pipes, pulley ropes, chlorine cylinder, spare hand/power pumps together with the details of their sources of supply to the Panchayat Union. The panchayat Unions shall maintain a small store stocking such of whose spares adequate enough for a period of one year. The procedure for preparation of maintenance estimates technical sanction, check measurement and the like, may be the same

applicable to the road works of the panchayat union.

Each panchayat union shall maintain its own crew for maintenance which will comprise of one Supervisor with L.M.E. qualification and another Supervisor with L.E.E. qualification and they will be under the immediate technical/administrative control of the Commissioner through the Union Engineer. The maintenance crew shall be provided with a motor cycle which shall be utilised exclusively for this purpose and in no circumstances for any other purpose. They shall carry with them on tour the repair kit and a minimum number of spares needed for frequent and instantaneous repairs. Such of those repairs that they can do then and there they shall do at once. For repairs which cannot be done on the spot, he shall immediately on his return arrange for the same at the earliest opportunity. In case of any break down brought to their notice by the Presidents of the Village Panchayats in between their tour they shall attend to it at once without any delay whatsoever.

For carrying out the above duties the maintenance crew shall be required:

- (i) to tour on the motor cycle at least 5 days in a week;
- (ii) to visit all the schemes in the Union at least once in a fortnight;

iii) to certify that all the schemes are in satisfactory working condition without any repair;

and

iv) to furnish his fortnightly diary to the concerned Commissioner through the Union Engineer.

The Commissioner of the Tanchayat Union shall be held personally responsible to ensure that the maintenance crew carry out the above duties efficiently.

Whenever the maintenance crew is not in a position to set right any repair, the Tanchayat Union shall at once seek the advice of the Mechanical Expert in the concerned Execution Circles of the Tamil Nadu Water Supply and Drainage Board.

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SEMINAR

on

"URBAN PLANNING & DEVELOPMENT AUTHORITIES"

(March 1 and 2, 1974)

'TWO-TIER SYSTEM AND LOCAL GOVERNMENT REFORM IN ENGLAND'

By

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TWO - TIER SYSTEM AND
LOCAL GOVERNMENT REFORM IN ENGLAND

(Deva Raj)

There has been considerable re-thinking on the reorganisation of the areas and structure of local government in the United Kingdom over the last twenty five years. The first major step was the replacement of the London County Council by the Greater London Council with a wider extended area re-grouped in about 32 metropolitan second tier units with population varying from 150,000 to about 350,000. These units are large enough to look after most of the local services while a minimum range of area-wide functions are performed by the Greater London Council.

The rest of England is divided into 79 county borough areas and 45 Counties. The County boroughs are cities and towns with towns with independent unitary municipal administration dealing with all functions within their jurisdiction. As regards the Counties, they are composite areas each having a County Council and second tier units, known as boroughs, urban districts and rural districts. There are in all 227 such boroughs, 449 urban districts and 410 rural districts. These are disparate units varying widely in their size and resources as also in the range of functions performed. The result is that the demarcation of functions between the County Council on the one hand and the boroughs and urban and rural districts on the other varies considerably. The rigid boundaries between the Counties and the boroughs fail to take due care of problems of urban growth overspelling local jurisdictions.

The Royal Commission on Local Government in England (Maud Commission) reporting in 1969 identified the following four faults :-

1. Local government areas do not fit the pattern of life and work in modern England. The gap will widen as social, economic and technological changes quicken.
2. The fragmentation of England into 79 county boroughs and 45 counties, exercising independent authority and dividing town from country has made the proper planning of development and transportation impossible. The result has often been an atmosphere of hostility between the county boroughs and the counties, and this has made it harder to decide difficult questions on their merits.
3. The division of responsibility within each county between the county council and a number of county district councils, together with the position of county boroughs as islands in the counties,

means that services which should be in the hands of one authority are split up among several. This greatly complicates the work of meeting comprehensively the different needs of families and individuals.

4. Many local authorities are too small, in size and revenue, and in consequence too short of highly qualified manpower and technical equipment, to be able to do their work as well as it could and should be done.

The Commission noted that there were serious failings in local government performance and the complex local government system was often irrelevant and the central government as well as the people doubt the ability of local authorities to deal effectively with local affairs. The Commission set out some general principles to meet the situation as follows :-

1. Local authority areas must be so defined that they enable citizens and their elected representatives to have a sense of common purpose.
2. The areas must be based upon the interdependence of town and country.
3. In each part of the country, all services concerned with the physical environment (planning, transportation and major development) must be in the hands of one authority. Areas must be large enough to enable these authorities to meet the pressing land needs of the growing population, and their inhabitants must share a common interest in their environment because it is where they live, work, shop and find their recreation.
4. All personal services (education, personal social services, health and housing), being closely linked in operation and effect, must also be in the hands of one authority, as strongly recommended by the report of the Seebohm Committee.
5. If possible, both the "environmental" and the "Personal" groups of services should be in the hands of the same authority, because the influence of one on the other is great and likely to increase.
6. Authorities must, however, be bigger than most county boroughs (and all county districts) are at present, if they are to command the resources and skilled manpower which they need to provide services with maximum efficiency.
7. The size of authorities must vary over a wide range if areas are to match the pattern of population. But a minimum population is necessary. This pointed to a minimum of around 250,000.
8. At the other end of the scale, authorities must not be so large in terms of population that organisation of their business

becomes difficult. A population of not much more than 1,000,000 should be the maximum for the personal services.

2. Where the area required for planning and the other environmental services contains too large a population for the personal services, a single authority for all services would not be appropriate; and in these parts of the country, responsibilities must be clearly divided between two levels, and related services kept together.

Applying the above principles the Commission arrived at the following main recommendations in respect of areas and structure of local government in England :-

- a) England (outside Greater London Council) should be divided and re-grouped into 61 new local government areas replacing all other local authorities.
- b) Of these three large conurbations around Birmingham, Liverpool and Manchester should be metropolitan areas with a two tier system - viz. a metropolitan authority dealing with planning, transportation and major development activities; and a number of second tier metropolitan district authorities (7 in Birmingham, 4 in Liverpool and 9 in Manchester areas) whose key functions would be education, health and personal social services.
- c) All the remaining local authorities were proposed to be re-grouped into 58 unitary areas with a single authority responsible for all functions.

5. The Labour Government had, in a White Paper issued in February, 1970, accepted the Commission's recommendations with some minor modifications. But the successor Conservative Government introduced far reaching changes in the proposals in their White Paper of February, 1972 and the new Local Government Act, 1972 was adopted by the British Parliament. The Act comes into force from April, 1974. The broad decisions and variations are given below :-

- (a) The White Paper and the new Act accepted the Maud Commission recommendations in respect of densely populated large conurbations but added three more areas around New Castle (Tyneside), Leeds (West Yorks) and Sheffield (South Yorks) - making a total of six Metropolitan Counties with a total of 34 lower tier metropolitan districts responsible for education and personal social services and all local government functions except those which require to be planned and administered over the wide area of the Metropolitan County.
- (b) The rest of the areas will have 36 counties. Some existing small Counties will disappear and some will lose substantially to the metropolitan areas. Otherwise, the new Counties will

broadly follow existing boundaries. On the other hand, the independent County boroughs will lose their separate identity and would become county districts like other boroughs within the County frame. All such bigger cities and towns will remain district entities as county districts. Smaller towns are to be joined up with the adjoining rural areas and new larger county districts formed by amalgamating rural districts. All these would be the second tier authorities within the County. The upper tier County Governments will have wider powers as compared to the metropolitan Counties.

6. Local Government reform in England is thus directed towards creating larger viable local authorities side by side with smaller local bodies appropriate to the functions to be performed. This is proposed to be achieved by

- (a) doing away with the distinction between town and County; or rather emphasising their interdependence by regrouping of local government areas ;
- (b) by introducing a two tier system of larger area authorities as the upper tier and fewer re-organised viable lower tier authorities with appropriate division of functions; and
- (c) by recognising the differing character of the predominantly urban conurbations - the six metropolitan Counties - and the mixed 39 rural-urban Counties, with their varying problems, differing traditions and technical competence.

A statement of functional distribution for Metropolitan Counties is given below :

<u>Metropolitan Counties</u>	<u>Metropolitan Districts</u>
Education and Related Services Museums and Art Galleries(c)	Social Services Education and Related Services Education Libraries Museums and Art Galleries(c)
Housing and Town Development Certain reserve powers , e.g. overspill Town Development	Housing and Town Development Housing Town Development
Town and Country Planning and Related Matters Structure Plans Local Plans (in special cases) Development Control (strategic and reserved decisions)	Town and Country Planning and Related Matters Local Plans (Most) Development Control (most) Acquisition and Disposal of Land (c)
Acquisition and Disposal of Land(c)	Clearance of Derelict Land(c) Country Parks(c)

Metropolitan Counties

Clearance of Derelict Land(c)
National Parks (subject to
existence of boards)
Country Parks (c)
Footpaths and Bridleways
Commons - registration
Caravan Sites - provision (c)
Gipsy Sites - provision
Smallholdings and Cottage
Holdings

Highways and Related Subjects
Transport Planning
Highways
Traffic
Parking
Passenger Transport
Road Safety

Consumer Protection
Weights and Measures
Food and Drugs
Trade Descriptions
Consumer Protection

Other Environmental Services
Land Drainage
Refuse Disposal
Health Education (c)

Police and Fire
Police (subject to amalgamation)
Fire (subject to amalgamation)
Recreation and Tourism
Swimming Baths (c)
Parks and Open Spaces(c)
Physical Training & Recreation(c)

Other Services
Entertainments(c)
Aerodromes(c)

Metropolitan Districts

Footpaths and Bridleways
Commons - management
Caravan Sites - provision (c) licensing
and management
Gipsy Sites - management

Highways and Related Subjects
Highways - can claim maintenance
powers over unclassified roads in
urban areas

Environmental Health
Food Safety and Hygiene
Control of Communicable Disease
Control of Office, Shop and
Factory Premises

Other Environmental Services
Local Sewers
Land Drainage
Refuse Collection
Litter
Coast Protection
Clean Air
Building Regulations
Nuisances
Cemeteries and Crematoria
Markets
Offensive Trades
Health Education(c)

Recreation and Tourism
Swimming Baths (c)
Parks and Open Spaces(c)
Physical Training & Recreation(c)
Publicity for Tourist Attractions
Licensing & Registration Functions
Other Services
Entertainments(c)
Aerodromes(c)